

11 MARCH 1947

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None	2355		A Book entitled "Nihon Shoki, a Chronicle of Japan" 1928 Edition	18108	
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None	2358		A Book described as "Dai Genkai" or "Great Diction- ary" by OTSUKI, 1934 Edition, 3rd Volume thereof	18115	
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I N D E X

of

EXHIBITS

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179	2362		Statement of State Minister KONOYE before the Budget Committee Session, House of Representatives, 76th Imperial Diet 8 February 1941		18132
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435	2366		Affidavit of TSUGITA, Daisaburo		18176
547	2367		Report on the Examination of the Revision of Imperial Ordinance on the Organization of the War Ministry and one other subject, dated 6 May 1936		18183

Tuesday, 11 March 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment, at 0930.

Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese to English interpretation was made by the Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except OKAWA, TOJO and SHIGEMITSU who are represented
5 by their respective counsel. We have certificates
6 from the prison surgeon at Sugamo certifying that
7 the accused SHIGEMITSU and TOJO are too ill to attend
8 the trial today. The certificates will be recorded
9 and filed.

10 Mr. Horwitz:

11 MR. HORWITZ: Mr. President and Members of
12 the Tribunal: It will be recalled that about a week
13 ago the matter of rules of procedure in examining the
14 witnesses was referred by the Tribunal to chambers.
15 Since the reference there has been a number of meetings
16 in chambers on this question. The matter has been re-
17 ferred to an agreement between the prosecution and
18 the defense. This morning both the prosecution and
19 the defense have come to an agreement and recommend
20 to the Court the adoption of the following rule:

21 For the purpose of expediting the proceedings,
22 the following agreement between the prosecution and
23 defense is entered into as supplementary to the general
24 rules of the Tribunal with respect to the examination
25 of witnesses.

1 1. During the presentation of the general
2 phase of the defense case, without the special permis-
3 sion of the Tribunal, not more than one counsel for
4 the accused shall examine a witness in chief on the
5 matters then being presented. Upon the completion
6 of this examination, counsel for the individual accused
7 may examine the witness on matters which specifically
8 and particularly concern his client to the extent
9 only that they have not been covered in the preced-
10 ing examination. Such counsel shall state at the
11 beginning of his examination that the examination is
12 direct.

13 2. Upon completion of all direct examin-
14 ation, if the witness has given evidence against the
15 interest of any accused, counsel for such accused
16 may cross-examine the witness. If in the course of
17 a cross-examination by counsel for the accused adverse
18 testimony against any of the accused is adduced, counsel
19 for such accused shall, prior to the cross-examination
20 by the prosecution, cross-examine or further cross-
21 examine the witness. A defense counsel cross-examin-
22 ing a witness shall announce his intention so to do
23 at the beginning of his examination.

24 3. After all cross-examination by counsel
25 for the accused shall have been completed, counsel

1 for the prosecution shall cross-examine. Without
2 the special permission of the Tribunal not more than
3 one prosecuting counsel shall cross-examine.

4 4. Upon completion of cross-examination by
5 the prosecution, counsel for any accused regarding
6 whom new testimony has been given in the course of
7 the prosecution cross-examination may further cross-
8 examine the witness.

9 5. Upon completion of all cross-examination,
10 without the special permission of the Tribunal, re-
11 direct examination shall be conducted by the counsel
12 who conducted the general direct examination. Other
13 counsel for individual accused may examine a witness
14 on redirect examination only on matters specifically
15 relating to his client and not covered by the general
16 redirect examination.

17 THE PRESIDENT: Well, the Members of the
18 Court will require time to consider what you have
19 read. In the meantime, the Tribunal may see fit to
20 give you leave to apply those proposed rules. Could
21 we have copies of it, Mr. Horwitz?

22 MR. HORWITZ: I will have copies for the
23 Members of the Tribunal by the morning recess, sir.

24 THE PRESIDENT: Mr. Roberts.

YAMAMOTO

REDIRECT

1 KUMAICHI YAMAMOTO, called as a
2 witness on behalf of the defense, resumed
3 the stand and testified through Japanese
4 interpreters as follows:

5 REDIRECT EXAMINATION

6 BY MR. ROBERTS (Continued):

7 Q Mr. YAMAMOTO, after the Ministry for Greater
8 East Asia Affairs was set up was anything done to
9 strengthen the independence of various countries in
10 East Asia?

11 A With the establishment of the Greater East
12 Asia Ministry various policies for establishing the
13 independence of the several countries of Greater East
14 Asia were carried out swiftly.

15 Q The prosecutor has read to you from exhibit
16 No. 1344 concerning the reported decision of the
17 liaison conference to deny independence to the East
18 Indies. I refer now to that same exhibit No. 1344
19 and read the second paragraph on page 2 which was
20 omitted by the prosecutor:

22 "At the time of this decision Prime Minister
23 TOJO was rather in favour of independence and the For-
24 eign Ministry also supported the plan, but the Supreme
25 Command maintained strong opposition, as mentioned
above; while others again, took the stand that once

YAMAMOTO

REDIRECT

1 independence was granted, Japan, for the sake of her
2 personal honour would have to respect the independence
3 to the last, and would be in a difficult position when
4 negotiations, peace, etc., came one day to be considered,
5 and that for this reason the status quo should be
6 maintained. Territorial incorporation was thus finally
7 decided on."

8 Does that reconcile with your statement that
9 you and the Foreign Office were not in agreement with
10 that report, Mr. YAMAMOTO?

11 MR. CUNYNS CARE: I must object to that
12 question, your Honor. It is self-evident whether
13 it does or does not.

14 THE PRESIDENT: It is for us to say whether
15 they can be reconciled, his evidence and what you have
16 just read. Objection allowed.

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YAMAMOTO

REDIRECT

1 Q May I ask you, Mr. YAMAMOTO, does that truly
2 represent the situation as it existed in the Foreign
3 Office and the stand taken by General TOJO at that
4 time?

5 A I believe that what you have just read is a
6 clear statement of the ideas held by General TOJO at
7 the time as well as the thoughts held in the Foreign
8 Office from the Minister down. At the same time it is
9 a good -- this statement is a good example of our thoughts
10 and ideas concerning the strengthening of independence
11 of the several countries of Greater East Asia to which
12 you referred previously, and, again, in reply to your
13 question, I would like to answer you giving a concrete
14 example.

15 Early in 19 -- The year after the establish-
16 ment of the Greater East Asia Ministry early in 1943,
17 Japan gave up her extraterritorial rights in China
18 and returned her concessions to China -- her settlements.
19 Not only this, the Japanese Government also took steps
20 to return many factories which were under the management
21 of the Japanese Army to the Nanking Government, and,
22 furthermore, gave every cooperation to the National
23 Government at Nanking in order to strengthen its political
24 power.

25 In regard to countries other than China, whenever

YAMAMOTO

REDIRECT

1 there were points regarding these countries which were
2 not in accordance with the New Order in Greater East
3 Asia steps were taken to gradually reform such points.
4 In Burma and in Indonesia, that is to say the Dutch
5 East Indies, the wishes of the natives were taken into
6 account and opportunities were given to them of par-
7 ticipating in politics.

8 There is one very great reason why the Japanese
9 Government was able in this manner to carry out strongly
10 and positively measures which had been considered very
11 difficult to adopt because of the difficulty of coming
12 to an agreement. One of these reasons was that among the
13 Japanese people the concept of the New Order in Greater
14 East Asia was beginning to take clear shape. Another
15 great reason is that immediately before the establishment
16 of the Greater East Asia Ministry, the Emperor gave a
17 very important measure to Prime Minister TOJO. I shall
18 state the purport of that message very briefly: The
19 Emperor called Prime Minister TOJO to the palace and
20 stated that a New National Greater East Asia Ministry
21 was to be established there with certain steps which
22 Japan -- correction -- there are certain points which
23 Japan must beware of in taking any measures towards
24 the countries of Greater East Asia.

25 THE PRESIDENT: Mr. Comyns Carr.

YAMAMOTO

REDIRECT

1 MR. COMYNS CARR: I submit there is a limit
2 to the length of speeches the witness should be allowed
3 to make in answer to a simple question, and it was
4 past in that case.

5 THE PRESIDENT: Not merely to the length but
6 to the scope. The Emperor's directions to the Prime
7 Minister doesn't seem to bear on these matters.

8 MR. ROBERTS: This is all --

9 THE PRESIDENT: Quite a generous statement.

10 MR. ROBERTS: This is all --

11 THE PRESIDENT: No matter how long we won't
12 exclude anything that is relevant and material, but
13 quite a lot of this is neither.

14 MR. ROBERTS: This is all relevant to the steps
15 being taken to strengthen the independence of the various
16 countries in the East Indies, very much questioned
17 by the prosecutor.

18 THE PRESIDENT: There is no use asserting that,
19 if the facts be otherwise. The Emperor's speech was
20 quite indefinite.

21 MR. ROBERTS: This completes our redirect. We
22 would like to reserve the right to resummon this witness
23 for later phases or for other defendants who may care to
24 use him.

25 MR. COMYNS CARR: Your Honor, may I correct a

YAMAMOTO

statement of fact which my learned friend made in the
1 course of his re-examination with regard to exhibit
2 1332, which is a report of a body described as "The
3 Sixth Committee" to the Supreme Command -- Government
4 and Supreme Command Liaison Committee and the Cabinet
5 Committee? My friend said that that Sixth Committee
6 was a Committee of the Planning Board. Exhibit 1331
7 shows that it was not. It was a Committee of the Cabinet
8 specially established on the 2nd of December 1941 to
9 deal with these particular matters.

10 MR. ROBERTS: I move to strike out the statement
11 made by the prosecutor. It was not a question. It
12 was possibly something that belongs in summation, but
13 certainly does not belong here.

14 THE PRESIDENT: You corrected him. The application
15 is refused.

16 The witness is no longer required for the time
17 being. He is released on the usual terms.

18 (Whereupon, the witness was excused.)

19 THE PRESIDENT: Mr. Roberts.

20 MR. ROBERTS: Mr. President, at this time I
21 would like, with the permission of the Tribunal, to
22 read certain excerpts from exhibit Nos. 2351, 2352 and
23 2353. They are very short.

24 THE PRESIDENT: These are the speeches of the
25 Greater East Asia Conference.

Whalen & Yelde

MR. ROBERTS: I will first read from exhibit No. 2351, page 2, second paragraph, defense document No. 664 marked previously. This is an excerpt from the address of His Royal Highness Prince Wan Waithayakon, representative of Thailand.

I read on page 2, paragraph 2:

"The reasons, which I would like to bring to the support of what I have stated, are those which I would bring from the history of the development of Greater East Asia. The continent of Asia was the source of human development and had attained the highest degree of development and had attained the highest degree of development from olden times. Such development is the pure light that shines in the heart of humanity, that urges humanity to look for peace and happiness and is composed of friendship and good-will firmly based on the principle of righteousness. This is the principle of development inherent in the Thai nation that worships Buddhism as the national religion, and such principle of development is also the principle of culture traditionally held by Asiatic nations in general, or to put it in another way, development according to Asiatic traditions is culture. This is recognized by the people of the West as borne out by the saying, 'ex occidente lex,

1 ex oriente lux, ' from the West, law, from the East,
2 light."

3 THE PRESIDENT: That is platitudinous stuff;
4 argument would be more convincing.

5 MR. ROBERTS: I turn now to page 4, second
6 paragraph.

7 I read on page 4, paragraph 2:

8 "In truth, Greater East Asia is a territory
9 abundant in wealth; it has natural resources and
10 industrial localities capable of development so as
11 to make this sphere co-prosperous in accordance with
12 the principle of self-sufficiency. The Japanese
13 Empire had, accordingly, followed the policy of
14 establishing a Co-Prosperity Sphere, abiding by the
15 ideal of Hakko-Ichiu, the union into one family on
16 the basis of justice, righteousness and peace, and
17 had adopted peaceful means in the execution of this
18 policy, such as in the case of the dispute between
19 French Indo-China and Thailand, in which, in order
20 to establish the friendship between the two countries
21 on a basis free from resentment due to the loss of
22 national territory, Thailand had requested the return
23 from France of certain part of the lost territory,
24 the Japanese Government kindly consented to mediate
25 so that an agreement based on justice was reached.

1 The Thai people will never forget this favor on the
2 part of Japan."

3 I now turn to page 5, last paragraph:

4 "Thailand, a country which had maintained
5 close relationship with Japan for several hundred
6 years with ties of friendship that have progressively
7 grown tighter and firmer, has well understood the
8 high purpose of Japan, and His Majesty's Government,
9 under the leadership of His Excellency the President
10 of the Council of Ministers, have immediately cooperated
11 as ally of Japan, as shown by the Pact of Alliance
12 concluded with one another with, as its important
13 object, the establishment of the Co-Prosperity Sphere
14 in Greater East Asia and the total elimination of the
15 evil influences which stand as obstacles in the
16 achievement of this aim. The principles laid down
17 in that Pact are 1) the establishment of an alliance
18 on the basis of mutual respect of each other's inde-
19 pendence and sovereignty, and 2) the rendering of
20 mutual assistance with all the political, economic
21 and military means at each other's command."

22 I now read an excerpt from the address of
23 His Excellency Mr. Jose P. Laurel, representative of
24 the Philippines. I begin on page 2, first paragraph:

25 "In fact, as I look back, Your Excellency,

1 and recall the history of human civilization, I feel
2 that this meeting of the peoples of Greater East Asia
3 should have been held a long time ago. Whereas, in
4 the past we have been kept as strangers, one and all,
5 it is really gratifying to note that through the
6 trying efforts of the great Empire of Japan, for the
7 first time in history we are gathered and grouped
8 together, never again to be separated as in the past,
9 ready to fight oppression, exploitation and tyranny
10 so that we may proclaim to the world that no longer
11 shall the one billion peoples of Asia be subjected
12 to domination and exploitation by a few Western
13 Powers. At this juncture, will you allow me, Your
14 Excellency, to mention three reasons, why, in my
15 opinion, we have not been permitted to meet, unite
16 and discuss our common problems here?"

17 I turn now to page 5, second paragraph:
18 "In other words, the Greater East Asia Co-
19 Prosperity Sphere is not being established for the
20 benefit of any integral unit of that Sphere. According
21 to His Excellency, the starting point of the establish-
22 ment of the Sphere is recognition, respect for the
23 autonomy and independence of every integral unit, so
24 that, with the recognition of political independence
25 and territorial integrity, each nation may develop in

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20 benefit of any integral unit of that Sphere. According
21 to His Excellency, the starting point of the establish-
22 ment of the Sphere is recognition, respect for the
23 autonomy and independence of every integral unit, so
24 that, with the recognition of political independence
25 and territorial integrity, each nation may develop in

1 accordance with its own institutions, without any
2 particular member monopolizing the resulting pros-
3 perity of any given country or nation, but with the
4 object in view of extending that welfare and the
5 prosperity to the other integral units, on the
6 theory that the prosperity of all is the prosperity
7 of the integral parts, but that the prosperity of
8 the integral parts is not necessarily the prosperity
9 of the whole."

10 I turn now to page 9, last paragraph:

11 "Your Excellency, it has been my privilege to
12 join this conference with one single purpose in mind
13 and that is, to contribute in a small measure to the
14 general awakening of the peoples of our part of the
15 globe. At the same time, I desire to express official-
16 ly the gratitude and appreciation of the Filipino
17 people for the great boon of independence which has
18 just been granted to them and which has enabled me
19 to come and attend this conference and meet the
20 worthy representatives of the peoples of Greater East
21 Asia to this august Assembly."

22 I read now the last excerpts from the address
23 of His Excellency Dr. Ba Maw, representative of Burma.
24 I begin on page 2, first paragraph:

25 "It is impossible to exaggerate the feelings

1 which are born out of an occasion like this. For
2 years in Burma I dreamt my Asiatic dreams. My
3 Asiatic blood has always called to other Asiatics.
4 In my dreams, both sleeping and waking, I have always
5 heard the voice of Asia calling to her children.
6 Today, for the first time, I hear Asia's voice calling
7 again but this time not in a dream. We have come
8 together, Asiatics, in answer to the call, to the
9 voice of our mother. I have listened with the
10 greatest emotion to all the speeches delivered around
11 this table. All these speeches have been memorable,
12 moving, and -- I may be exaggerating, but you must
13 forgive me -- I seem to hear in them the same voice
14 of Asia gathering her children together. Somehow or
15 other, whatever the different representatives may
16 say, whatever local color they may add, the undertone,
17 the voice, is the same. There is always unity of de-
18 sign and purpose and mind which, I say, is the call
19 of our Asiatic blood. This is not the time to think
20 with our minds; this is the time to think with our
21 blood, and it is this thinking with the blood that
22 has brought me all the way from Burma to Japan."

23 I now turn to page 8, first paragraph:
24 "As for the new Eastern order and economy,
25 I am, as I have said, profoundly grateful to His

1 Excellency the Chairman for his clear and unequivocal
2 statement on it. He has declared with his character-
3 istic courage and decision its basic principles to
4 be justice, reciprocity, and mutual respect for one
5 another's independence and sovereignty. These are
6 clear, reassuring words. These will be forever an
7 East-Asiatic Charter, a charter which will last as
8 long as the new East-Asiatic order will last. Founded
9 upon these principles the new Eastern Order will stand
10 like a rock forever. This new East-Asiatic world has
11 already the material conditions necessary for stabil-
12 ity. Nature has as I have said, provided those
13 material riches richly for this new world of ours.
14 Materially, we lack nothing to make our world stable
15 and strong against our enemies. But this decidedly
16 is not enough. Together with this material unity
17 there must be a spiritual unity based upon understand-
18 ing and tolerance, upon the fundamental proposition of
19 one for all and all for one. Together with our dif-
20 ferent nationalism there must be a wider nationalism.
21 Together with our territorial horizons there must be
22 a single East-Asiatic world horizon. These are not
23 mere sentiments or phrases but a deadly task which
24 we must accomplish or perish in the attempt."

1 I turn now to page 11, first paragraph:

2 "I have spoken sufficiently of East Asiatic
3 oneness and the need to fight this war together as
4 East Asiatics and to construct a world together as
5 East Asiatics. We have started this work in the right
6 way at this Assembly. It is, however, necessary to
7 continue the present work; further than this, much
8 further, to extend the work we have begun so well
9 today so that it should cover the whole area of the
10 present war and the future peace. In other words,
11 there must be a permanent East Asiatic central organ-
12 ization which will guide the common destiny of East
13 Asia in a planned collective way. This alone will
14 make our unity real and effective, a weapon indeed
15 for both war and peace. Needless to say, the council
16 will represent the free and equal nations of Greater
17 East Asia. The road before us, therefore, is clear.
18 We are only at the beginning of it now, but we shall
19 march forward. Past history shows that whenever the
20 Asiatic peoples came together, whenever they found
21 unity and leadership, they were able to march any-
22 where, even to the world's end."

23 MR. COMYNS CAKE: Your Honor, there is a
24 passage that my friend has omitted from that oration
25 which throws considerable light on the parts he has

1 read. May I be permitted to read it now?

2 THE PRESIDENT: I think you ought to be at
3 liberty to indicate that there is a passage, but not
4 to read it. You see you won't have another oppor-
5 tunity to read it unless evidence is permitted in
6 rebuttal, and I don't think that the Charter permits
7 of that. But I won't allow you to read that.

8 MR. COMYNS CARR: May I point out that the
9 passage is the first half of page 4, the first two
10 paragraphs of page 4.

11 MR. ROBERTS: I want to recall to the Court
12 that I originally offered to read the entire document,
13 that is, the three speeches in full, and I stated my
14 purpose at that time, that I did not wish any miscon-
15 struction to be placed upon excerpts. However, pur-
16 suant to the wishes of the Court, I did have certain
17 excerpts taken.

18 THE PRESIDENT: Do you desire to read the
19 part that Mr. Carr referred to?

20 You have an advantage that he did not possess:
21 You could read parts of documents omitted by the prose-
22 cution; the prosecution can't read parts of documents
23 omitted by you unless there is evidence in rebuttal,
24 as to which the Charter is silent.

25 MR. ROBERTS: Well, if we start to read lines

1 and phrases that they like, we will have--

2 THE PRESIDENT: We won't make you do that.

3 MR. ROBERTS: We will have to read phrases
4 in order to answer those phrases that they pick out.

5 THE PRESIDENT: Mr. Carr has indicated the
6 part he desires the Court to direct its attention
7 to, and that is sufficient.

8 MR. ROBERTS: With the permission of the
9 Tribunal I would like to refer to prosecution exhibit
10 No. 268 in order to recall the Japanese official
11 position on their interpretation of the phrase, "New
12 Order in East Asia," as set forth by Premier KONOYE
13 on November 3, 1938. The complete document has been
14 read by the prosecution; it is not my intention to
15 read it again.

16 THE PRESIDENT: Just refer to the page and
17 the paragraph.

18 MR. ROBERTS: I refer to page 1, second para-
19 graph, beginning with the words: "It is the estab-
20 lishment--" to the end of the paragraph. Also to
21 the last sentence in the last paragraph on page 1.

22 I also request permission to refer the Tri-
23 bunal to page 2, paragraph 3, of the same exhibit.

24 The fourth paragraph, beginning with the word "Japan"
25 and ending with the word "collaboration," reference is

1 again made for the same purpose as heretofore stated.

2 We now offer in evidence defense document
3 No. 54 to show the first application or extension
4 of the New Order in East Asia to the South Sea terri-
5 tories. As testified by the witness YAMAMOTO, this
6 was expressly for the purpose of insuring stability in
7 these territories.

8 MR. COMYNS CARR: Your Honor, we object to
9 this document. It is a duplicate of prosecution
10 exhibit 529.

11 THE PRESIDENT: Both sides rely on it?
12 Has the whole of it been read before, Mr. Carr?

13 MR. COMYNS CARR: Fully read. Your Honor,
14 there are some slight differences in the translation,
15 and if any importance is attached to those they should
16 have been referred to the language arbitration board
17 long ago.

18 THE PRESIDENT: Are you relying on the dif-
19 fferences in language?

20 MR. ROBERTS: No, we are not. I will be
21 content at this time to refer the Court to that docu-
22 ment.

23 I now respectfully request permission to
24 call the Tribunal's attention to prosecution exhibit
25 No. 541 for the purpose of showing the first official

1 use of the term "Greater East Asia," and its intention
2 to appear as an expression synonymous with the phrase
3 "Hakko Ichiu," and not for the purpose of aggressive
4 war or autonomy plan or conspiracy, particularly
5 page 2, paragraph 1, entitled: "Pacific Policy."

6 THE PRESIDENT: Yes. Has the whole of this
7 been read before?

8 MR. ROBERTS: I believe it has. But in view
9 of the testimony we wanted to again recall it to the
10 Tribunal's attention.

11 THE PRESIDENT: But without reading it.

12 MR. ROBERTS: That is correct.

13 At this time we recall the witness INOUE.

14 THE PRESIDENT: You tendered defense document
15 54, or are you withdrawing it? It was not admitted.

16 MR. ROBERTS: 54 was not admitted did your
17 Honor say? That is correct, if your Honor please.

18 THE PRESIDENT: Yes, Mr. Roberts.

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T A K A M A R O I N O U E, recalled as a witness
1 on behalf of the defense, testified through
2 Japanese interpreters as follows:

3 THE PRESIDENT: You are still on your former
4 oath.

5 I reminded him he was still on his former
6 oath, but I am sure he didn't hear me without his
7 ear phones.

8 DIRECT EXAMINATION
9

10 BY MR. ROBERTS:

11 Q Have you brought to court the books which
12 you can refer to as authority for your definition of
13 "Hakko Ichiu" and "Kodo?"

14 A Yes, I did.

15 Q Will you give us the name and date of publi-
16 cation of the first book you intend to refer to?

17 A I shall show it to you immediately. I shall
18 begin with the first book, the author is SAEKI, Yugi,
19 the title is "Rikkokushi." The first volume is
20 "Nihonshoki."

21 The original book was published in the year
22 720 A.D., and the one I have here is a later repro-
23 duction. This book I have here was published in 1928.

24 On the 95th page of this book what purports
25 to be an Imperial Rescript by the Emperor JIMMU is

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set forth.

1 MR. ROBERTS: May I ask first that this book
2 be marked for identification.

3 THE PRESIDENT: You can do that at the end
4 of this examination on the book.

5 MR. TAVENNER: If your Honor please, we are
6 not objecting to the use of these books in this par-
7 ticular instance, but I thought we should make it
8 plain that we do not acquiesce in this method of
9 introducing evidence through documents.

10 THE PRESIDENT: If all he is here to do is
11 to produce books and documents of this quality, he
12 need not even be sworn. I take it these are standard
13 works and they can be referred to without evidence of
14 this type, just as almanacs can be, or dictionaries.

15 We did ask for these things, and he should
16 refer to the page.

17 Q Will you please refer to the page and give
18 us the definition as stated therein?

19 THE PRESIDENT: I don't know what the prose-
20 cution's grievance is. Nevertheless, they relied
21 upon the use of that term "Hakko Ichiu" and here the
22 defense endeavor to explain what it means.

23 I will say once again the thing is, what
24 meaning it was given by the accused and what purpose

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they put it to. That is never overlooked.

1 MR. TAVENNER: Your Honor, I had no grievance
2 to express with regard to the use of these books by
3 this witness. My sole purpose was to make certain
4 that the reading of excerpts from books by this witness
5 would not be treated as a precedent in the introduc-
6 tion of matters generally.

7 THE PRESIDENT: I don't know why you have
8 those fears.

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Q Will you proceed, Mr. Witness, to give us
1 the page number and the definition?

2 A Page 95 on this book gives the required
3 passages. The second book is called "Nihonshoki
4 Chushaku," "Interpretation of the Nihonshoki," and is
5 written by IILA, Bukyo. In this book the explanation
6 of the term is given on page 1,209.

7 Q Will you please read the explanation as given
8 in that book?

9 A "The phrase of the Imperial Rescript, 'gathering
10 all parts of the world,' et cetera, and 'covering
11 the universe,' et cetera, these two clauses mean that
12 the entire country should be our capital and that the
13 universe should be our home."

14 THE PRESIDENT: Now, is he giving his con-
15 struction, or is he reading from page 95? We want
16 him to read from page 95, not to tell us what he
17 thinks it means.

18 THE WITNESS: I was reading from page 95.

19 There are a few words more:

20 "This also means that the Imperial virtue
21 shall embrace the entire country and all the people
22 shall rejoice in the fruits of that virtue."

23 Q Were you reading, now, from the--

24 A There are still a few words more, but I think

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1 that is sufficient.

2 THE PRESIDENT: Now he has finished with two
3 books, one published in 1928 and the one he is handling
4 now. Let them be tendered to be marked for identifi-
5 cation only.

6 A (Continuing) The third book is by TAKASU,
7 Yoshihiro, and the title of the book is "Dainihon
8 Shochoku Kinkai," "Interpretation of the Imperial
9 Rescripts of the Great Japan," published in 1934.

10 On page 317 the following interpretation is
11 given: "The meaning of the term is that the entire
12 country shall be as one family and that the Emperor
13 will love his people as his own children, and the
14 Imperial way -- 'kodo,' the Imperial way, will be
15 promulgated at home and abroad. This can also be
16 defined as expanding into a love for humanity embracing
17 the entire world as one family."

18 In this explanation, the word "michi" or "way"
19 is used. I should like to interpret this term "michi"
20 as meaning not by force or by power, but through moral
21 strength.

22 "The term 'hakko ichiu,' starting from the
23 basis of love for one's own country, expands into love
24 for the entire world -- love for humanity," correction.

25 THE PRESIDENT: We will recess for fifteen

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minutes.

(Whereupon, at 1045, a recess was taken until 1100, after which the proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Roberts.

4 BY MR. ROBERTS (Continued):

5 Q Mr. INOUE, did you read the definition
6 from the first book?

7 A I did not read the original text from the
8 first book; so I shall read that text now. Unless
9 the previous passages are read it is difficult to
10 grasp the interpretation of the term, "hakko ichiu."
11 However, I shall begin from that part wherein this
12 phrase is included.

13 Q What page?

14 A Page 95. Is it not good for us to cover
15 the earth and make it our home? That is all.

16 THE PRESIDENT: Why did you omit reading
17 that in the first instance? It suggests lack of
18 candor towards us.

19 MR. ROBERTS: I believe it was merely an
20 oversight, if your Honor please. He referred to
21 having taken the definition from that book and
22 then proceeded from the other.

23 Q In reading from the book marked No. 3,
24 you mentioned an interpretation of the word "the
25 way." Was that your own interpretation or were

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you reading from that book, Mr. INOUE?

1 I read it from the book.

2 MR. ROBERTS: At this time I will offer
3 the first three books to be marked for identifica-
4 tion.

CLERK OF THE COURT: Defense document, a
book entitled "Nihon Shoki, a Chronicle of Japan,"
1928 Edition, will be given exhibit No. 2355 for
identification only.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 2355 for identification.)

13 Defense document, a book entitled
14 "Commentaries on Nihon Shoki," by IIDA, Takasato,
15 1889 Edition, will be given exhibit No. 2356 for
16 identification only.

17 (Whereupon, the document above
18 referred to was marked defense exhibit
19 No. 2356 for identification.)

20 Defense document, a book entitled
21 "Explanations of Imperial Rescripts," by TAKASU,
22 1934 Edition, will be given exhibit No. 2357 for
23 identification only.

24 ("hereupon, the document above
25 referred to was marked defense exhibit

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N^o. 2357 for identification.)

1 BY MR. ROBERTS (Continued):

2 Q Mr. INOUE, have the three books just
3 marked for identification been in use up to the
4 present time?

5 A Yes, as you say.

6 Q Will you now refer to your next book,
7 please, giving us the page number and the definition?

8 A The name is Dai Genkai. This is a dictionary.
9 The author is OTSUKI, Fumikiko, published in 1934.
10 The third volume of this dictionary, page 868, the
11 word is "hakko." "Hakko" means the same as eight
12 sides or eight directions.

13 Q Now, will you please refer to your next
14 book and give us the page number and definition?

15 THE PRESIDENT: Is not the word "ichiu"
16 defined also?

17 MR. ROBERTS: Yes, your Honor.

18 A I shall now turn to the definition of
19 "ichiu." The name of the book is the same book that
20 I just referred to, and the author is the same also,
21 only this is the first volume of that dictionary.
22 The edition is that of 1932. The word "ichiu" is
23 defined on page 279. There is one definition of it
24 as a noun and another one as an adverb. I shall

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1 begin by reading the explanation of the word used
2 as a noun. "House" -- correction -- "one house."
3 Then next, I shall read the explanation of the word
4 used as an adverb. This expression has come from
5 the phrase, "all within the house -- all the people
6 within the house." The definition, "all," "everything."

7 Q Will you now refer to your next book?

8 THE PRESIDENT: Before you leave that one,
9 that is, the 1932 Edition, you would expect to find
10 the phrase "hakko ichiu" defined in such an edition.
11 Does the witness say that it is not defined in that
12 edition?

13 THE WITNESS: This word is defined in many
14 dictionaries, but in view of the President's order
15 I brought two or three which I happened to have at the
16 present.

17 THE PRESIDENT: I asked about the phrase,
18 "hakko ichiu."

19 THE WITNESS: As I stated before, this phrase
20 is defined in a book entitled "Explanations of the
21 Imperial Rescripts," and I would like to refer to it
22 later, and it is also given in other books.

23 THE PRESIDENT: But you say it is not in
24 the dictionary that you have just perused.

25 THE WITNESS: There is no explanation of

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1 "hakko ichiu" as a phrase in the dictionary.

2 BY MR. ROBERTS (Continued):

3 Q Will you now refer to your next book,
4 again giving us the page number and definition?

5 A The next book which I have brought here is
6 the dictionary of ancient words and phrases. The
7 author is IKEDA, Shirojiro. This book explains
8 that the word "hakko" came to Japan from the
9 Chinese language and gives the Chinese source of
10 this word. On page -- the definition is given on
11 page 1293. I shall read only the part concerning
12 the source, the origin of the word "hakko."

13 MR. TAVENNER: If your Honor please, I do
14 not see how we can be concerned with the origin
15 of the phrase.

16 THE PRESIDENT: Let us hear it. It is
17 not worth objecting to.

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1 JAPANESE INTERPRETER: Mr. President, the
2 translation of this definition will take some time
3 and it can only be a very free translation, because
4 it is a translation from ancient Japanese, which is
5 comparable to the English of Beowulf.

6 THE PRESIDENT: Oh, one of our earliest
7 poets. Well, I think that this should be put in an
8 affidavit. All that the witness has to say -- has
9 still to say, can be put into an affidavit and we can
10 have a simultaneous translation of it. Of course it
11 is for the prosecution to object to that course if
12 they so desire.

13 MR. TAVENNER: The prosecution does not
14 object, your Honor.

15 THE PRESIDENT: If we will accept it in an
16 affidavit you can have no quarrel, Mr. Roberts.

17 MR. ROBERTS: I would not quarrel with that,
18 your Honor please, except that I intend to use these
19 definitions as a basis for further questioning by
20 the same witness.

21 THE PRESIDENT: I don't think any Member of
22 the Tribunal wants this witness to elucidate anything
23 that appears in a dictionary or in a history of Japan.
24 You can put your version in an affidavit and if the
25 defense do not accept it they can refer it to the

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1 Language Section and they can decide, -- if the
2 prosecution don't accept it.

3 MR. ROBERTS: In that case it may be neces-
4 sary for me to recall this witness again for the
5 purpose of putting the later questions to him.

6 THE PRESIDENT: He can cover the rest of his
7 testimony in an affidavit; we do not require him
8 further to give oral testimony. When we get his
9 affidavit it will be time enough to decide what we
10 are going to do.

11 MR. ROBERTS: Perhaps we can proceed with
12 the definitions already given and cover the subject
13 adequately. If your Honor has no objection I will
14 proceed.

15 THE PRESIDENT: I mean in an affidavit you
16 can cover all he has said and all he has still to say
17 if he remains in the box. Any affidavit will be con-
18 fined to quotations from dictionaries and histories
19 and will contain no attempt at elucidation. We could
20 release this witness now, Mr. Roberts. I take it
21 there is no desire to cross-examine.

22 MR. TAVENNER: On the basis of the testimony
23 at present we do not desire to cross-examine.

24 THE PRESIDENT: Well, I suggest we let him
25 go, and proceed with other evidence.

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MR. ROBERTS: May we request that the books which have been marked be returned to the witness, if your Honor so please?

THE PRESIDENT: They will be available to him but in the custody of the Court.

MR. ROBERTS: And may we have the privilege of recalling this witness, if it is so desirable, at a later date for other defendants?

THE PRESIDENT: At present I see no need for recalling him, but the Tribunal will decide the question when it arises.

MR. TAVENNER: "Would it not be proper, your Honor, for the dictionary to be presented for identification the same as the other documents?"

THE PRESIDENT: Any book he has read from must be tendered for identification, but will be available to him although in the custody of the Court.

CLERK OF THE COURT: Defense document described as "Dai Genkai," or "Great Dictionary," by OTSUKI, 1934 edition, third volume thereof, will be given exhibit No. 2358 for identification only.

Defense document known as "Dai Genkai," 1932 edition, by OTSUKI, first volume thereof, will be given exhibit No. 2359 for identification only.

Defense document known as "Dictionary of

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1 Ancient "Words and Phrases," by IIDA, Shirojiro, will
2 be given exhibit No. 2360 for identification only.

3 ("Whereupon, the documents above
4 referred to were marked defense exhibits
5 Nos. 2358, 2359 and 2360, respectively, for
6 identification.)

7 THE PRESIDENT: Mr. Blewett.

8 MR. BLEWETT: If the Court please, we
9 offer for identification only defense document No.
10 598, being "Government in Japan," by Charles B. Fahs.
11 I ask the permission of the Court to read an excerpt
12 from this book, which is a study made by the Institute
13 of Pacific Relations consisting of eleven nations.
14 Sir, it is an impartial and constructive analysis of
15 the situation in the Far East and is a document found
16 in the property of the United States Army.

17 THE PRESIDENT: I suppose you would find Mr.
18 Grew's book there too and Sir Robert Craigie's. That
19 is not the test. We will admit it only for its
20 relevant and material statements of fact, if it pos-
21 sseses any and if it is not merely repetitive. We
22 have reached that stage where we have to consider
23 now whether material is repetitive or not.

24 (Whereupon, the witness was excused.)

25 THE PRESIDENT: Mr. Tavenner.

MR. TAVINER: Your Honor, we would like
1 to reserve the right to make further objections to
2 the introduction of those documents. My rotation
3 is that the documents have not been received; but
4 I understand from counsel that they have been received
5 by the prosecution and I do not have them available
6 and have not seen them.

8 THE PRESIDENT: The book will be marked
9 for identification, the excerpt admitted on the usual
10 terms for any relevant and material statement of fact.

11 CLERK OF THE COURT: Defense document
12 No. 598 will receive exhibit No. 2361 for identi-
13 fication only and the excerpts therefrom, to wit,
14 defense document No. 598(2) will receive exhibit
15 No. 2361-A and No. 598(4) will receive exhibit No.
16 2361. Correction: that last excerpt should be defense
17 document No. 598(7).

18 (Whereupon, the documents above re-
19 ferred to were respectively marked defense
20 exhibit No. 2361 for identification and defense
21 exhibits Nos. 2361-A and 2361-B in evidence.)

23 MR. BLEWETT: I shall read 598(2):
24 "No cabinet composed primarily of members of
25 a party in the House of Representatives has held office
in Japan since May 1932. Although the importance of

1 This fact can be easily exaggerated, no survey of
2 modern Japanese governmental changes would be com-
3 plete without consideration of its causes. That the
4 Japanese cabinet must be a coalition between different
5 groups and that the influence of each group depends
6 to a considerable measure on public opinion have
7 already been suggested. For a few years following
8 the promulgation of the Japanese Constitution the
9 major parties in the House of Representatives were
10 excluded from representation in the cabinet. It was
11 soon discovered, however, that this prevented effective
12 operation of the constitutional system, and since about
13 1896 every cabinet, with one or two unsuccessful
14 exceptions, has sought a working agreement with the
15 Diet. This did not mean that the Diet was given con-
16 trol of either the composition or the policies of the
17 cabinet; it was merely admitted to participation in
18 the coalition. Such an arrangement is consistent with
19 the provisions in the Japanese Constitution and with
20 Japanese precedent. The parties, like other groups,
21 sought to extend their influence and found support for
22 their efforts in Western theories of constitutional
23 government which assume, probably uncritically, that
24 development toward full parliamentary control is a
25 necessary or at least the 'normal' path of political

1 evolution. Post-War trends in other parts of the
2 world were conducive to such opinions and, for a few
3 years, principally from 1924 to 1932, party cabinets
4 ruled Japan. Their control was never complete, however,
5 for the traditional position of the civil and military
6 services, the Privy Council, and the House of Peers
7 could not be violated without recrimination and retali-
8 ation.

9 "The course of Japanese politics during
10 the late 1920's was punctuated by a series of clashes
11 between the cabinet and the other organs of the
12 government, ostensibly over such questions as financial
13 aid to banks in the panic of 1927, the issuance of
14 amendments to the Peace Preservation Law in the guise
15 of an emergency ordinance, certain phrases in the
16 Pact for the Renunciation of War, or the ratification
17 of the London Naval Treaty. Each also represented a
18 protest against the attempt to alter radically the
19 political balance of power in favor of the parties in
20 the House of Representatives at the expense of the peers,
21 the Privy Council, the civil and military services and
22 the jushin. The parties might have carried the day had
23 they enjoyed genuine popular confidence. Instead it
24 was common knowledge that bribery in elections was the
25 rule rather than the exception and that party leaders

1 depended on big business for the millions of yen
2 necessary for each political campaign. Interference
3 with elections through the party-controlled Department
4 of Home Affairs was so common that it was said the
5 government in power never lost an election. Corrupt
6 deals between government officials and private
7 interests were frequently rumored and occasionally
8 exposed. The parties were therefore vulnerable to
9 the countercharges of the non-elected organs whose
10 share in cabinet control they were attempting to reduce.

11 "The world depression and events connected
12 therewith spelled failure for the party campaign, at
13 least for the present. Economic collapse weakened the
14 prestige of Western social theories. Japanese who had
15 advocated greater powers for the legislature on the
16 strength of Western experience found their arguments
17 contradicted by a Western swing toward greater executive
18 powers. Nationalism, resurgent in Japan as everywhere
19 else, reinforced the arguments of those who wished to
20 preserve the customary balance in political life.
21 Growing recognition of the economic character of national
22 defense and the Manchurian Incident increased the pres-
23 tige and widened the legitimate concern of the professional
24 military services. Crisis conditions, both economic and
25 diplomatic, plus European precedents, led to demands for

1 a moratorium on partisan strife and for the establishment
2 of a coalition cabinet. In short, everything conspired
3 to weaken the party campaign against the prerogatives
4 of the other governmental organs. When the tottering
5 WAKATSUKI Cabinet fell in December 1931 as a result
6 of the advocacy of a coalition by one of its own
7 members, it was already clear that, in the absence of
8 far-reaching political reforms, no new party cabinet
9 would have much hope for long life. It was reported
10 that the genro, Prince SAIONJI, before nominating
11 INUKAI for the premiership, had warned the latter of
12 the serious situation and had inquired whether he was
13 confident of his ability to control it. INUKAI was
14 similarly warned by the usually liberal Asahi news-
15 paper. The SEIYUKAI Cabinet, born under the cloud
16 of exchange speculation, was criticized for failure
17 to resign in acceptance of responsibility for an attempt
18 on the life of the Emperor (the Sakuradamon affair of
19 January 8, 1932), and lost prestige with the assassina-
20 tions of INOUE, Junnosuke (February 9, 1932) and Baron
21 DAN (March 5, 1932). A reform program would perhaps not
22 have stemmed the tide, but even this the SEIYUKAI Cabinet
23 did not have. When the premier was assassinated on
24 May 15, 1932, party cabinets, which had ruled at best
25 for but a decade or so, came to an end, and Japan returned

1 again to the earlier system of a coalition wider in
2 scope than the groups in the House of Representatives.

3 "The parties were still recognized, however.
4 Since 1932 the major parties have been openly condemned
5 only by the short-lived HAYASHI Cabinet. All other
6 cabinets have welcomed party co-operation and limited
7 party representation. YONAI has welcomed the president
8 of the Minseito into his cabinet. At the same time
9 each cabinet has urged political reforms to aid in the
10 rehabilitation of the Diet in public opinion."

11 The next paragraph on the page, sub-heading
12 3:

13 "Only two of the eleven cabinets which Japan
14 has had during the last ten years have been headed
15 by generals -- those of HAYASHI in 1937 and ABE in
16 1939. It is interesting to note, therefore, that the
17 China policy of the HAYASHI Cabinet was somewhat more
18 liberal than that of its predecessors and that the
19 Cabinet also sought a rapprochement with Great Britain."

20 I shall omit reading 598(7) and offer in
21 evidence defense document 598(8).

22 THE PRESIDENT: Mr. Comyns Carr.

23 MR. COMYNNS CARR: Your Honor, I don't know
24 whether the Tribunal, having heard that excerpt read,
25 considers that it is sufficiently material and helpful.

1 to wish to hear another. In my submission, what we
2 have heard is either immaterial, or so far as it is
3 material at all we have in evidence a great deal more
4 about the material parts of it already than is contained
5 in this summary.

6 THE PRESIDENT: It contains a number of
7 statements of fact the probative value of which the
8 Tribunal may wish to consider. This further excerpt
9 is admitted on the usual terms.

10 CLERK OF THE COURT: Defense document
11 No. 598(8) will receive exhibit No. 2361-C.

12 (Whereupon, the document above re-
13 ferred to was marked defense exhibit No. 2361-C
14 and received in evidence.)

15 MR. BLEWETT (Reading): "The Diet has
16 obviously been able to check every move for any radical
17 change in its composition or powers. One of its chief
18 weapons has been a counterattack on weak points in
19 the civil and military services. Thanks to the acumen
20 and political ability of Field Marshal YAMAGATA --"

21 THE MONITOR: Mr. Blewett, could you kindly
22 tell us what you mean by 3-5? What was your signal?
23 What does this mean, please, 3-5?

24 MR. BLEWETT: I meant No. 8.

25 THE MONITOR: I see. Thank you. No. 8.

1 M. BLEWETT (Reading continued): "--Japan
2 has for some forty years enjoyed most of the features
3 of a modern administrative civil service which have
4 recently been advocated for the United States by
5 President Roosevelt's Committee on Administrative
6 Reorganization. Lately, however, there has been a
7 trend in England, the United States, and Japan to
8 question some aspects of the civil service program,
9 particularly the effects on efficiency and initiative
10 of rigid civil service guarantees of tenure. The
11 unusual influence of civil servants in Japan has given
12 such arguments added cogency, and they have recently
13 been explicated to the full in the Japanese Diet.
14 Administrative reforms were promised by the KOMEI
15 Cabinet and studied during the spring, summer, and
16 fall of 1938. After the installation of the HIRANUMA
17 Cabinet, the Seiyukai and Minseito threatened to adopt
18 a resolution providing for civil service reforms (in
19 the direction of curtailment of civil service privileges)
20 but were finally dissuaded from doing so. HIRANUMA
21 deferred the civil servants, (he was one himself) and
22 acceded to Diet demands only to the extent of addressing
23 a memorandum to all civil servants, admonishing them to
24 greater endeavor, impartiality, and humility. Criticism
25 of the civil service has, however, stimulated cabinet

1 ministers to more continuous efforts in the direction
2 of improvement of personnel administration in the
3 various departments, notably in the Department of
4 Foreign Affairs.

5 "The Army and Navy present a special problem
6 although they are, of course, in much the same situation
7 as the civil services. The tenure of military officers
8 is even more protected than that of other state
9 officials. Their political influence has increased
10 more markedly during the last decade, and their record
11 has been marred by a number of instances of partici-
12 nation by active or reserve officers in assassinations
13 or in conspiracies against important statesmen. The
14 military services are still extremely jealous of their
15 independent position under the supreme command and
16 their freedom from political influences. Post-World-War
17 emphasis on the wider meaning of national defense has,
18 however, led officers to concern themselves with an
19 ever wider range of political questions. The resultant
20 increase in internal disputes over policy coincided
21 with a decrease in the unity of principles and control
22 due to the deaths of the genro YAMAGATA and OYAMA and
23 to the displacement of clan leadership by new men
24 trained since the Sino-Japanese War.

1 Theoretically, the army and navy are under
2 direct Imperial command, but their actual adminis-
3 tration has been divided among several officers
4 each of whom enjoys the privilege of direct report
5 to the sovereign. This situation was tolerable as
6 long as unity was maintained by the authority of the
7 genro, but caused trouble when that authority dis-
8 appeared. A conflict in 1931 within the army "big
9 three" -- the minister of the army, the chief of
10 staff, and the inspector-general of military educa-
11 tion -- led to the appointment in 1932 of a member
12 of the Imperial Family, Prince KAN-IN, as chief of
13 staff to serve as an arbiter. Friction between
14 Minister of the Army HAYASHI and Inspector-General
15 of Military Education MAZAKI over personnel policies
16 led to the forced resignation of the latter in 1935
17 and was indirectly connected with the assassination
18 of Major-General NAGATA in August of that year and
19 with the assassinations of February 26, 1936 (of
20 which the new inspector-general of military educa-
21 tion, WATANABE, was a victim). A somewhat similar
22 problem in the navy was evident in 1929 when the
23 minister and the chief of staff disagreed over the
24 ratification of the London Naval Treaty. There was
25 thus a double problem for both the army and the navy --

1 a proper adjustment of relations with the cabinet
2 and the Diet and a unification of internal control.
3 Neither aspect of the problem could be solved except
4 by a process of political adjustment: no formula
5 was immediately applicable. As a result, the re-
6 cent course of the army and navy in Japanese poli-
7 tics has not been entirely consistent. Nevertheless,
8 the main lines are tolerably clear. The develop-
9 ment in the navy has been less spectacular than that
10 in the army, which may be taken as an example for
11 both. Army leadership has, particularly since 1936,
12 been concentrated increasingly in the hands of the
13 minister of the army who has assumed full control
14 of personnel shifts. Continuity in the personnel
15 and political policies of the Department has been
16 strengthened by a return to the earlier limitation
17 of the position of minister to generals or lieutenant-
18 generals in active service, excluding those on the
19 reserve list like General UGAKI. Army officers
20 have been prohibited from publicly expressing views
21 on political affairs, and since February 26, 1936,
22 those involved in illegal activities have been dealt
23 with most severely. The Reservists' Association
24 has also been brought under the control of the
25 Department. The army has thus recognized that irres-

1 possible political agitation by military officers
2 cannot be permitted. The converse of this recogni-
3 tion is that the political voice of the army is
4 concentrated in the minister of the army whose in-
5 fluence in the cabinet has consequently increased.

6 "What, then, is the legitimate sphere of
7 influence of the service ministers? The position
8 which General TEHUCHI and subsequent ministers of
9 the army have tried to maintain is that while the
10 army, under modern conditions of national defense,
11 cannot be indifferent to general economic and politi-
12 cal problems, will express its views through the
13 minister of the army, and reserves the right to
14 refuse to cooperate with any cabinet not showing a
15 proper understanding of such problems; the army
16 will, nevertheless, not attempt to dictate either
17 specific policies or the details of their applica-
18 tion. These are the proper functions of the civilian
19 branches. This distinction between readiness to
20 block cabinets in which it lacks confidence and
21 avoidance of interference with non-military legis-
22 lation and administration is a very narrow one, and
23 its practical application leaves much room for dis-
24 satisfaction on both sides. It amounts, however,
25 only to reaffirmation of the customary share of the

1 services in the Japanese political coalition.
2 During recent years the minister of the army has
3 advocated many types of legislation -- control
4 of the power industry, agrarian relief, organiza-
5 tion of a national welfare department, reform of the
6 House of Peers, and a general mobilization act, to
7 mention only a few. Yet none of these has been dic-
8 tated. Some remain unaccomplished; others have
9 been adopted only after formulation and debate by
10 the civilian ministries, extended discussion in the
11 Diet, and frequent amendments. The influence of
12 the army and navy departments on domestic legisla-
13 tion and administration has increased during the
14 last decade, but not to the point of dictatorship.

15 "Army influence in continental policy is
16 a different problem and one which cannot be fully
17 examined here. Obviously the army controls Japanese
18 activities in Manchuria and in China to a far greater
19 extent than it does domestic affairs. This power
20 on the continent is based on various factors: the
21 right of direct appeal to the Throne, the special
22 position of the Kwantung Army under the South Man-
23 churian Railway Concession and the Kwantung Peninsula
24 lease, the regulation of Sino-Japanese affairs since
25 1932 and 1933 by military truce instead of diplomatic

1 treaty, and the existence of military hostilities
2 since 1937. The beginnings of a compromise similar
3 to that in Japan proper can, however, be seen in the
4 growing integration of domestic and overseas poli-
5 cies discussed above and in the establishment of such
6 organs as the Manchurian Affairs Bureau and the
7 China Board.

8 "Altogether the Japanese political coa-
9 lition -- the House of Representatives, House of Peers,
10 Privy Council, ministers close to the Throne, army,
11 navy, civil services -- has not been radically
12 altered during the last decade. The House of
13 Representatives has lost influence but has retained
14 all of its legal powers and has benefited from some
15 reforms. Its influence would probably grow once more
16 if its major parties could iron out their own domes-
17 tic disputes which have recently made a very bad
18 impression. The Privy Council continues as before
19 an important check on cabinet actions between ses-
20 sions of the Diet. The House of Peers remains
21 approximately unchanged in both legal powers and
22 influence. The ministers close to the Throne have
23 probably somewhat declined in day-by-day influence,
24 but they retain a voice in the appointment of new
25 cabinets, and so continue to furnish indirect guidance

1 of political developments. The army and navy have
2 increased their influence but have also carried out
3 internal reforms which seem to assure somewhat
4 more responsible exercise of their powers than during
5 the early 1930's. The civil services, too, have
6 gained in strength but not decisively. In general,
7 the power of the administrative branch of the
8 government has increased while that of the legis-
9 lature has decreased, but this is a universal
10 phenomenon. The increasing role of national defense
11 considerations in governmental decisions is not
12 peculiar to Japan."

13 THE PRESIDENT: These differences among
14 the Japanese themselves throw no light on their
15 attitude toward other peoples.

16 We will adjourn until half-past one.

17 (Whereupon, at 1200 hours, a recess
18 was taken until 1330 hours.)

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Morse

AFTERNOON SESSION

& 4 at 1330.

www.ijerpi.org

W 5 MARSHAL OF THE COURT: The International Military
o 6 Tribunal for the Far East is now resumed.
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f

7 THE PRESIDENT: Dr. UZAWA.

8 DR. UZAWA: With the Court's permission, I
9 should like to report on the reason for the witness
10 YAMAMOTO's delay yesterday morning.

Upon investigation by the Office of the Defense
Counsel it was found that the motor car which had set
out to get witness YAMAMOTO broke down on the way. As
the accident occurred at a place where there were no
telephones within easy access, the driver was unable
to communicate. It was indeed a matter of the most
profound regret. We have taken steps to see that such
accidents will not occur in the future and have instructed
the drivers to be careful.

That is all, sir.

THE PRESIDENT: That is satisfactory.

Mr. Blawett.

4 MR. BLEWETT: We shall now produce evidence to
5 show the true aims and purposes of the Imperial Rule
Assistance Association and the Imperial Rule Assistance

1 Political Association to prove they were contrary to the
2 purposes alleged by the prosecution, and we shall also
3 show that neither was organized or controlled by these
4 accused as part of a common plan of conspiracy to
5 force Japan into a war of conquest.

6 We offer in evidence defense document No. 179
7 to show the nature of the I.R.R.A.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document No. 179
10 will receive exhibit No. 2362.

11 (Whereupon, the document above re-
12 ferred to was marked defense exhibit No. 179
13 and received in evidence.)

14 MR. BLEWETT: I shall read exhibit No. 2362,
15 if the Court please, the statement of State Minister
16 KONO before the Budget Committee, 8 February 1941:

17 "State Minister KONO:

18 "I wish here to make clear the opinion on the
19 part of the Government as to the nature of the Imperial
20 Rule Assistance Association.

21 "As for the movement for an Imperial rule
22 assistance, I think you are already acquainted with its
23 general outline through the statement which I made in
24 the Preliminary Conference for the Establishment of a
25 New Organization in August last year. But it will not

1 be unnecessary to explain the aims of the movement on
2 this occasion.

3 "Japan is now confronted with the greatest crisis
4 in her history. At this juncture it is needless to say
5 that, in order to take adequate measures aiming at a
6 broad leap in our national progress, it is necessary to
7 unify the power of the whole nation into one harmonious
8 whole by consolidating the national defence organization
9 of the state and to exert the national power thus unified
10 to the fullest extent. And the basis for this so-called
11 'strong national defence organization of the state'
12 consists in establishing an effective system within the
13 nation. And in my opinion this in turn is possible only
14 on the basis of a national organization which will
15 enable the whole population to participate effectively
16 in the Imperial rule assistance. The aim of such a
17 national organization is to unify the power of the whole
18 nation in order that all the subjects of the Emperor
19 may discharge their respective duties in organic unity,
20 thus participating in the Imperial rule assistance. This
21 aim requires that all the people participate in this
22 great task effectively by discharging their respective
23 everyday duties in their various tasks. It is only
24 under such a national system that policies of the Govern-
25 ment can be expected to permeate the remotest corners

1 of national life to be realized there infallibly and
2 promptly, and that the real conditions of the people's
3 life can be reflected vividly upon the mirror of politics.
4 I believe that only in this way can the power of the whole
5 nation be concentrated upon affairs of the state.

6 "Now, the Imperial rule assistance movement
7 is one which is to be carried on by the whole nation,
8 and which aims, in cooperation with the Government,
9 to establish a national organization which will enable
10 the whole population to participate effectively in the
11 Imperial rule assistance to facilitate its working and
12 thus to afford a basis for faithful discharge of the duties
13 of the subjects. This movement has sprung up out of the
14 necessity of establishing a strong national defence
15 organization of the state. It is a movement which,
16 standing aloof from any special interests of political
17 parties, aims to remove all internal strifes in all fields
18 of national life and to concentrate all the activities
19 of the nation upon faithful discharge of national duties.
20 It is a truly totalitarian national movement based on
21 mutual cooperation between the Government and the people.

22
23 "The Imperial Rule Assistance Association is
24 a body organized for the purpose of pushing forward such
25 a national movement. Its proper mission as the nucleus
of this movement is to lead the van and to become the

1 propelling force in the right and effective discharge
2 of national duties. In order to fulfil this mission I
3 believe it is necessary to strengthen the organization
4 of the Association as well as to consolidate its spiritual
5 unity and thus to make it exert its power to the full
6 in the discharge of its function to cooperate with the
7 Government Organizations in deciding upon and carrying
8 out national policies, by communicating the will of the
9 Government to the people and revealing the real condition
10 of the people's life to the Government. As is clear in
11 the above, the activities of the Association are quite
12 different, both in function and in aim, from those of the
13 National spiritual Mobilization Movement or of various
14 movements carried on by political parties. Its highly
15 political character can also be ascribed to the same
16 circumstances.

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1 "It is needless to say that in the actual
2 working of the Association the purpose for which it
3 has been organized should always be kept in view,
4 therefore, as for the relation of the Association
5 to the Government, the former should cooperate with
6 the latter in making the spirit of national policies
7 fully understood by the people and in facilitating
8 their adequate enforcement. Its mission of commun-
9 icating the will of the Government to the people
10 and revealing the real conditions of the people's
11 life to the Government means nothing but to furnish
12 the authorities with necessary materials to be
13 referred to by them in deciding upon various measures.
14 Consequently the Association has no intention to
15 enforce a certain set of principles of their own
16 independently of the Government. It is of course
17 needless to say that it has nothing to do with any
18 movements struggling for political power.
19

20 "To summarize the foregoing, the nature
21 of the Imperial Rule Assistance Association is not
22 compatible with struggles between mutually opposing
23 parties in the political arena nor with any activ-
24 ities aiming to enforce a particular set of political
25 doctrines independently of the Government. And this
is precisely the reason why the Government exempts

1 the association from the application of some provi-
2 sions in the Peace Police Act, on the ground that
3 it does not fall within the category of 'associ-
4 ations concerning political affairs' as prescribed
5 in that Act. But, inasmuch as it is a kind of
6 association, those articles in the Act which pro-
7 vide for associations in general and associations
8 concerning public affairs except political affairs
9 should of course be applied to it. Further, it
10 goes without saying that any act on the part of the
11 Association should be governed by relevant regulations.

12 "The War Minister and the Navy Minister
13 have stated that, considering the spirit of the
14 foundation of our army members of the army or navy
15 on the active list would not be permitted to enter
16 the Association except when those who occupy special
17 posts, such as the minister, the vice-minister, the
18 chief of the Military Affairs Bureau, etc., enter
19 it to handle liaison with the army or navy. But
20 this does not mean that soldiers on the active list
21 should not enter it, because it falls within the
22 category of 'associations concerning political
23 affairs' prescribed in the Peace Police Act. This
24 only means that it would be incompatible with the
25 idea of unity and discipline of the army for individual

1 soldiers on the active list to enter directly such
2 an association.

3 It is but very recently that the Imperial
4 Rule Assistance Association was organized. And
5 although therefore its nature and aims have not
6 yet been understood well enough by the public, and
7 its activities are as yet unsatisfactory in many
8 respects, we wish to do our best to get the hoped-
9 for results by driving home to the people's mind
10 its true nature and aims on the one hand, while on
11 the other hand using every care for the betterment
12 of its organization and working.

13 In connection with this, it is necessary
14 for us to see to it that the Association should not
15 involve itself in any acts outside the scope of its
16 aim and mission.

17 Now the situation within and without
18 requires urgently the firm and harmonious unity of
19 the whole Japanese nation. The movement of Imperial
20 rule assistance has sprung up out of this urgent
21 necessity. Without an effective development of this
22 movement, it would be extremely difficult to tide
23 over the impending crisis. I have already stated
24 in my opening speech at the Diet that the Govern-
25 ment desires a rapid and active development of this

1 movement. Indeed, the Government is firmly deter-
2 mined to exert utmost efforts in encouraging this
3 movement of Imperial rule assistance. We sincerely
4 ask your cooperation."

5 We shall now call the witness ANDO who
6 will be examined in chief by Mr. SHIOBARA, attorney
7 for KIMURA.

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ANDO

DIRECT

1 K I S A B U R O A N D O, called as a witness
2 on behalf of the defense, being first duly
3 sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. SHIOBARA:

7 Q What is your name, please?

8 A My name is ANDO, Kisaburo.

9 Q Were you in your past Minister without
10 Portfolio, Home Minister -- and Home Minister in
11 the TOJO Cabinet and also vice president of the
12 Imperial Rule Assistance Association?

13 A I was.

14 Q Are you held at present in Sugamo Prison?

15 A Yes.

16 Q I will now show you defense document
17 No. 588. Will you look at it and state if it is
18 your affidavit?

19 (Whereupon, a paper was handed
20 to the witness)

22 A Yes, this is my affidavit without the
23 shadow of a doubt.

24 MR. SHIOBARA: I shall now tender in
25 evidence defense document No. 588 in evidence and
read excerpts therefrom. I shall now read defense

ANDO

DIRECT

1 document No. 588 omitting the parts between para-
2 graph 3 on the second page and the eighth line --
3 the line at the very bottom of the eighth line of
4 the second page -- on the third page of the Japanese
5 affidavit, and in the English translation omitting
6 the parts between paragraph 3 in the second page
7 and line 15 on the same page in the fourth paragraph
8 on the same page.

9 THE INTERPRETER: I shall omit from the
10 top of page 2 all of paragraph 3 and part of para-
11 graph 4 up to the 15th line before the end, just
12 before the words, "I left Peking."

13 THE PRESIDENT: I take it you mean to tender
14 it. It is admitted on the usual terms. You need
15 not specify in advance how much you are going to
16 read.

17 CLERK OF THE COURT: Defense document
18 No. 588 will receive exhibit No. 2363.

19 (Whereupon, the document above
20 referred to was marked defense exhibit
21 No. 2363 and received in evidence.)

22 THE PRESIDENT: Proceed to read the parts
23 you intend to read.

24 MR. SHIOBARA: (Reading) "I, ANDO, Kisaburo,
25 after having duly made oath as per attached paper

ANDO

DIRECT

1 in accordance with the form prescribed in my own
2 country, state as follows:

3 "1. My name is ANDO, Kisaburo. I was born
4 on 11 February 1879, and my permanent domicile is
5 at 115 Kita-Shinmachi, Sasayama-machi, Taki-gun,
6 Kyogo Prefecture."

7 THE PRESIDENT: In the future omit those
8 formal parts. They are never read.

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1 MR. SHIOBARA: I shall begin from the
2 middle of page 2 from "I left Peking," that is,
3 fifteen lines before the last line.

4 "I left Peking by air for Tokyo the next
5 morning, 20 October, arriving there by train on the
6 21st, my plane having been delayed on the way. I
7 immediately saw the President (TOJO) and thereupon
8 for the first time received a formal invitation to
9 become Vice-President of the IRRA and concurrently
10 Minister without Portfolio. Since I had never had
11 anything to do with politics either during my term
12 of active service or after my retirement to the re-
13 serve list, I did not have a single friend among
14 politicians. Therefore, I told the President that
15 if this organization was connected with politics, I
16 would like to refuse his request. The President told
17 me, however, that it was not a political party; that
18 it was a public organization coming under the provi-
19 sions of the Japanese Security Police Law; and that
20 this fact had been clearly stated by Home Minister
21 HIRANUMA in the previous Diet.

22 "He concluded by urging me to assume this
23 post, since the IRRA was an organization of a people's
24 movement. Thereupon, I replied that, if this organi-
25 zation had no connection with politics, I saw no

ANDO

DIRECT

1 reason why I should become a Minister of State and
2 that I would accept the President's offer only if he
3 were content for me to assume the Vice-Presidency as
4 a private citizen. Premier TOJO said that if that
5 was the way I felt about it, he would accede to my
6 wishes. Thus, on the following day, 22 October, I
7 became Vice-President of the IRM without assuming
8 the post of Minister without Portfolio.

9 "Immediately after my assumption, newspaper
10 reporters came and asked me what thoughts I had on
11 taking this new step, so I told them what I have re-
12 lated in the preceding paragraph, and added a clear-
13 cut statement, saying that as a member of the Japan-
14 ese nation in common with other members of our
15 people, I hoped to carry out whatever duties a Japan-
16 ese subject should carry out in this China Incident,
17 and that, therefore, I had no intention of sitting
18 in a special seat and of giving orders to the people.
19 This statement appeared in the newspapers of that
20 day.

21 "Since I had little knowledge of the situa-
22 tion within and without the IRM at the time of my
23 assumption, for a time I quietly observed what was
24 going on inside the association, and I also exerted
25 myself to read its past records from the time of its

ANDO

DIRECT

1 founding. In this way, my daily duties at the time
2 did not include anything special or out of the way.

3 "But the IRMA had already decided to hold a
4 Cooperative Council Meeting (TN - General Meeting)
5 around December, and already, before my assumption,
6 notices had been sent to local councils throughout
7 the country informing them of matters to be discussed
8 in this forthcoming meeting. Being yet very new at
9 the job, I had been hoping that the meeting would
10 be held as late as possible. For one thing, I was
11 anxious at least to glance through the minutes of
12 previous Cooperative Council meetings. Because of
13 these reasons I gave my consent to have the meeting
14 held on the 8th, which was the last of four proposed
15 dates, namely the 5th, 6th, 7th and 8th. These
16 dates had been decided in the course of business
17 around the beginning of December, I believe. In view
18 of these circumstances it is utterly inconceivable
19 that a great event such as the Greater East Asia
20 War should have been foreseen as one of the subjects
21 for discussion at that meeting. I believe the re-
22 cords of those days are still in existence and will
23 bear me out.

24
25 "Later, on December 8th, I learned for the
first time by telephone that war had broken out

ANDO

DIRECT

1 early in the morning. But since the same telephone
2 call told me not to announce this fact yet, I went
3 to the Cooperative Council meeting without telling
4 the news to anyone. At the meeting, President TOJO
5 gave a lecture, and then left for the Palace in order
6 to report to the Throne in his capacity as Premier,
7 so that the meeting recessed for that period. After
8 the Premier's return from the Palace, the meeting
9 was reopened, I believe around noon, and news of
10 the proclamation of an Imperial Rescript declaring
11 war was announced before the assembled members. This
12 is all I have to say regarding the situation at and
13 around the time of my assumption.

14 "5. Next I wish to state the mission and
15 organization of the IRMA. I knew that before my
16 assumption several changes had been made in its or-
17 ganization and directors, and that several personnel
18 shifts had also been carried out. At the time I took
19 office, in my opinion the association was not yet
20 functioning as a harmonious whole, the sense of unity
21 was very weak, and systematic order had not yet been
22 established.

23 "The main work of the association consisted
24 in conveying to the people, without error, matters
25 that had been decided upon as policy and matters

ANDO

DIRECT

1 on these policies which each ministry as part of its
2 administrative functions, desired the people to prac-
3 tice. Furthermore, the association's task was to
4 gain the people's understanding concerning these mat-
5 ters, to systematize as far as possible detailed
6 methods for carrying them out, and to urge the people
7 to do them. Of course, since the association was
8 only a private organization of a public nature, the
9 directors of the association were employed merely by
10 contract, so that there were no strict rules of duty
11 such as Government employees must obey. Also, it goes
12 without saying that the association had no power to
13 give orders to the people. Therefore, all the as-
14 sociation could do was to gain the people's under-
15 standing regarding matters that should be carried
16 out as part of a subject's duties, and to urge the
17 actual execution of these matters. Also, concerning
18 the administration of the various ministries, since
19 from the people's standpoint there were many matters
20 which seemed contradictory or inconsistent, in order
21 to eliminate hidden grumblings as much as possible
22 the IRRA made it a practice to take up the people's
23 hopes and criticisms and, after studying and digest-
24 ing them, would pass them on to the various govern-
25 ment departments as material to be considered in

ANDO

DIRECT

1 connection with the administration of the various
2 ministries. The Cooperative Council was a special
3 organization whose purpose was to serve as a medium
4 for conveying governmental intentions to the people
5 as well as the popular desires to the Government
6 and thus effectuate a true spirit of cooperation.
7 Furthermore, the IRRA aimed at reaching out to all
8 the people in a loose sort of way without having any
9 specialized system, so that if it had any special
10 object of attention, one would have to say it was
11 all the 100 million people of Japan.

12 "Therefore, as far as the people in general
13 were concerned, no distinction was made between mem-
14 bers of the association and non-members. District
15 associations, village associations, and local
16 chapters of the IRRA in prefectures, towns and
17 villages were nothing more than a kind of clerical
18 organization.

19 "In the preceding paragraphs I have outlined
20 the various functions of the IRRA at the time of my
21 assumption and throughout my tenure of office. These
22 functions were expressed in a popular slogan of
23 those days as fulfilling of our duties as subjects.

24 "6. Regarding the Greater East Asia War,
25 we never heard anything that would lead our associa-

ANDO

DIRECT

1 tition to believe such a war imminent, either at the
2 time of my assumption of office, or after my assump-
3 tion, in any guidance received from any ministry, in
4 any instructions or demands from them, either out-
5 wardly or confidentially, until the issuance of the
6 Imperial Rescript declaring war. As a concrete
7 example, on December 8th, the first day of our
8 scheduled Cooperative Council meeting, the planned
9 program for this meeting was set completely awry
10 by the Imperial Rescript declaring war, and there
11 was much confusion, as we were kept busy until night-
12 fall buying railway tickets, paying travel expenses,
13 and attending to sundry other matters in order to
14 suddenly send home delegates who had assembled from
15 all parts of the country.
16

17 "I have heard it said that many people be-
18 lieve the Cooperative Council meeting had been called
19 in anticipation of the outbreak of war because the
20 first day of this meeting happened to be the first
21 day of the war. But the actual circumstances are as
22 I have related. As far as the association was con-
23 cerned, it was a bolt from the blue; and it is a
24 fact that we were totally unprepared to take any
25 steps in the case of war. Besides, it is unthinkable
that the Government should ever let the staff

ANDO

DIRECT

1 of a private organization who were not even public
2 officials, know of a top war secret such as the date
3 of opening the war, or even to let them know privately.
4 A good example is myself. Although I was Vice-
5 President, I heard of the outbreak of war from the
6 President for the first time on the morning of the
7 8th of December."

8 Prosecution may cross-examine. If there
9 is any cross-examination --

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CROSS-EXAMINATION

BY BRIGADIER NOLAN:

1 Q I observed, General ANDO, that in your affi-
2 davit, exhibit 2363, you declined to become a
3 minister without portfolio in October of 1940 -- '41,
4 that is correct, '41. I also observed that you were
5 appointed minister without portfolio in June of 1942.
6 Is that correct?
7

8 A That is correct.
9

10 Q What caused you to change your mind, General?
11

12 A My real intentions never changed, but it
13 was already six months after the outbreak of the
14 Greater East Asia War. Previously I had been mobilized
15 during the China Incident and had been a -- had
16 served as a divisional commander in Japan. During my
17 tenure -- during this service I -- by my orders many
18 men on the reserve list were called up for active ser-
19 vice and sent to the front.
20

21 THE MONITOR: During my tenure as division
22 commander.
23

24 Q General, when you were asked to become a
25 minister of state without portfolio in October 1941
25 you say in your affidavit that you saw no reason why
25 you should become a minister and that you would
25 accept the president's offer only if he were content
25 for you to assume the vice presidency as a private

ANDO

CROSS

1 citizen.

2 A I was just beginning to explain my reason
3 when you stopped me.4 C Well, please be good enough to explain it
5 to me in a few words.6 A I am a military man. Military men, when-
7 ever they are ordered to do so, are ready to sacrifice
8 life itself on the battle front, and many did actually
9 die and many were wounded. During a time of emergency
10 such as the Great War, which we were then going
11 through, I received repeated requests from the Premier
12 and concurrently President of the IRRA, General TOJO,
13 to become vice president -- to become minister with-
14 out portfolio, and thinking if I was needed in that
15 post as minister of portfolio I should accept whether
16 I liked it or did not like it, I finally agreed.
17 However, concerning my -- correction -- I, myself, am
18 well aware of my inability to participate in political
19 life.20 THE MONITOR: Lack of qualifications,
21 instead of "inability."22 A In view of my previous statement, when I
23 had assumed the vice presidency, that I would not
24 become minister of portfolio, which statement I had
25 given out to the press, at that time I felt some pangs

ANDO

CROSS

1 of conscience on finally deciding to accept this post
2 in June of the next year.

3 For these reasons I refused once again General
4 TOJO's request, whereupon General TOJO said, "As far
5 as the people of Japan are concerned I, myself, will
6 make it abundantly clear to them that you did not
7 assume this new post by your own free will," and this
8 fact was actually published in the newspapers of the
9 time.

10 THE PRESIDENT: That is enough; we have heard
11 enough. We have heard some loquacious witnesses in
12 this court, but none so loquacious as you. You must
13 try to speak and express yourself clearly and briefly.
14 You are taking up too much time with explanations.

15 Q How long did you hold the office of vice
16 president of the IRAA?

17 A From October 1941 to April 1943.

18 Q And the accused TOJO was the president of
19 that association when you became vice president?

20 A Yes, he was.

21 Q And who was the president before the accused
22 TOJO?

23 A I believe Prince KONOYE, in his capacity as
24 Premier.

25 Q "as it the invariable rule that the president

ANDO

CROSS

1 was the Prime Minister of Japan?

2 A I do not know if there was any specific rule
3 to that effect, but the fact is as you have just
4 said.

5 Q The fact is as I have just said, that all
6 the presidents were Prime Ministers of Japan?

7 A Yes.

8 Q And it was the Premier of Japan who appointed
9 all the high ranking officers of this association?

10 A I do not -- I am not well aware of the
11 extent -- correction -- I am not aware what category
12 of people would be included in the term "higher
13 officials." I believe that certain officials were
14 appointed by the president.

15 Q Were the advisers appointed by the president,
16 and were the managing directors appointed by the
17 president?

18 A I believe that is so; however, I have no
19 record of that.

20 Q You say in your affidavit that -- on the
21 top of page 4 -- that later, on December 8, you
22 learned for the first time by telephone that war had
23 broken out early in the morning?

24 A Yes, that is so.

25 Q Who gave you that information by telephone?

ANDO

CROSS

1 A I believe it was the Chief Secretary of the
2 Cabinet, in accordance with instructions from the
3 Prime Minister.

4 Q And what time was it?

5 A In my present recollection I believe it was
6 between 6:30 and 7:00. However, I am not exact on that
7 point.

8 Q Where were you when you received the news?

9 A I was at home.

10 Q In bed?

11 A Yes.

12 Q In your affidavit you say it is unthinkable
13 that the government should ever let the staff of a
14 private organization, who were not even public
15 officials, know of a plot or secret such as the date
16 for opening the war, or even to let them know privately.

17 A My common sense told me to assume that.

18 Q And who was the Secretary of the Cabinet who
19 communicated with you?

20 A I recollect it was Chief Secretary HOSHINO.

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1 Q I also observe from your affidavit that the
2 Cooperative Council meeting opened on the 8th of
3 December 1941.

4 A Yes, as you say.

5 Q Who fixed that date?

6 A It had been a practice for the officials of
7 the various ministries who were in charge of such
8 matters to assemble and consult at the Cabinet
9 Information Board, and on the occasion of this meet-
10 ing the same practice was followed.

11 Q What did the Cabinet Information Board have
12 to do with your association?

13 A It had no direct connection with my organization.

14 Q You said something about the organization of
15 this association, and I'd like you to tell me where
16 the money came from which supported it.

17 A The greater part of its funds came from
18 government subsidies.

19 Q And the amount of that subsidy was eight
20 million yen for the fiscal year '41-'42?

22 A I have no exact recollection. However, I
23 have a faint remembrance that it was somewhere between
24 six and eight million.

25 Q And additional monies were obtained by
special financial grants from the ken, were they not?

ANDO

CROSS

1 A In the various prefectures the local branches
2 of the IRAA received subsidies from the prefectural
3 office.

4 Q And in addition, there were voluntary
5 subscriptions, were there not?

6 A I do not remember our organization ever
7 received any contribution.

8 Q You do remember that on the 30th of April
9 1942 there was a general election in Japan?

10 A Yes, I do.

11 Q At that time there were no political parties
12 in this country, were there?

13 A The political parties had been dissolved.

14 Q How did a candidate receive a nomination
15 in this election?

16 A There was another body which had been specially
17 set up in order to conduct election activities.

18 Q A political party?

19 A I believe it registered itself as a political
20 party.

21 Q What was the name of it?

22 A Later it was called the Imperial Rule Assistance
23 Political Society. However, I believe this organi-
24 zation was a predecessor of this society, and I have
25 no clear recollection of the first name it had.

ANDO

CROSS

1 Q You do know that the IRAPS did not come into
2 existence until after the election in April '42,
3 don't you?

4 A I am aware that an organization was set up
5 specially to conduct election activities; that is, to
6 recommend candidates and to conduct election movements.

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1 Q So that in the result the candidates in
2 that election were recommended?

3 A That is true. But not all the candidates
4 were recommended.

5 Q What happened to those who were not recom-
6 mended? Were they elected?

7 A I remember that some of them were.

8 Q Do you remember what percentage of the seats
9 were gained by the IRAA in the April election of '42?

10 A Since those who became candidates had to
11 resign from their positions in the Imperial Rule
12 Assistance Association before running for office, there
13 were none from the IRAA who actually ran.

14 MR. SHIOBAKA: I object to this question on
15 the ground that it is out of the scope of the examina-
16 tion in chief, and also on the ground that this witness
17 is not an expert qualified to answer those questions.

18 THE PRESIDENT: As far as I can judge he was
19 called to show that this association had no connection
20 with military operations or with aggressive war. It
21 seems to me the cross-examination is well within the
22 examination in chief. The objection is overruled.

23 Q Is it not a fact that in the election of
24 April '42 IRAA-sponsored candidates obtained over
25 eighty per cent of the seats?

ANDO

CROSS

1 A I do not know of any such fact.

2 Q Well, you know that they had a very large
3 majority in the Diet immediately following, don't
4 you?

5 THE PRESIDENT: This also goes to credit I
6 take it?

7 BRIGADIER NOLAN: Yes.

8 A Since the great majority of the people joined
9 in the Imperial Rule Assistance movement I do not
10 quite understand from what basis you have gotten
11 that percentage.

12 Q What was the IAAA Youth Corps?

13 A Its members were composed of those who posi-
14 tively exerted themselves to carry out the Imperial
15 Rule Assistance movement.

16 Q Was the IAAA pledged to support the establish-
17 ment of a Greater East Asia Co-Prosperity Sphere?

18 A It conducted no activities outside of --
19 directed to areas outside of the country.

20 MR. SHIOBARA: I object to that question on
21 the ground that it is out of the scope of the examina-
22 tion in chief.

23 THE PRESIDENT: Objection overruled.

24 Q If it took no part in affairs outside of
25 Japan, what was the function of the Bureau of East

ANDO

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Asia of the ICAA?

1 THE PRESIDENT: We will recess for fifteen
2 minutes.

3 (Whereupon, at 1445, a recess was
4 taken until 1500, after which the proceedings
5 were resumed as follows:)

6 MARSHAL OF THE COURT: The International
7 Military Tribunal for the Far East is now resumed.

8 THE PRESIDENT: Brigadier Nolan.

9 CROSS-EXAMINATION

10 BY BRIGADIER NOLAN (Continued):

11 Q At the adjournment I was asking you, General
12 ANDO, what was the function of the Bureau of East Asia
13 in your association?

14 A The East Asia Bureau existed primarily for
15 the purpose of contact and liaison with Manchukuo,
16 China and other areas in East Asia with the idea of
17 promoting the welfare of the region.

18 THE MONITOR: Correction: The purpose was
19 to maintain contact and liaison with organizations
20 with the object of promotion of the idea of East Asia
21 prosperity which existed in Manchuria, China, and
22 other areas in the Far East -- East Asia.

23 There were also many organizations within
24 Japan itself with the purpose of Asiatic development,

ANDO

CROSS
REDIRECT

1 and liaison and contact work with these organizations
2 were also maintained.

3 Q Just one more question, General ANDO. When
4 you said in your affidavit that you were informed
5 early in the morning of the 8th of December, 1941,
6 by the accused HOSHINO that war had broken out he
7 told you not to announce that fact at that time,
8 did the accused HOSHINO tell you why you were not to
9 announce the fact that war had broken out?

10 A He didn't tell me anything as to the reason
11 why.

12 BRIGADIER NOLAN: That is all.

13 THE PRESIDENT: Mr. SHIOBARA.

14 MR. SHIOBARA: Mr. President, I want to
15 examine this witness.

16 REDIRECT EXAMINATION

17 BY MR. SHIOBARA:

18 Q I am going to ask you a few questions by
19 way of supplementing my previous questions. Is it
20 correct to understand that the Imperial Rule Assistance
21 Association and the Imperial Rule Political Society
22 are two completely different and separate things al-
23 though they are somewhat similar in their names.

24 INTERPRETER: To which the witness replied,
25 "Yes."

ANDO

REDIRECT

1 A They are entirely different organizations.

2 Q You testified that the Premier at that time
3 was concurrently president of the Imperial Rule Assist-
4 ance Association. Was he connected in any way with
5 the Imperial Rule Political Society at the same time
6 as president or something like that?

7 A He had no position in the Imperial Rule
8 Assistance Political Society.

9 Q As vice-president of the Imperial Rule
10 Assistance Association were you, Mr. Witness -- did
11 you, Mr. Witness, concurrently hold a post in the
12 Imperial Rule Political Society -- Imperial Rule
13 Assistance Political Society?

14 A I believe I was an advisor of some kind.

15 MR. SHIOBARA: That is all.

16 MR. BLEWETT: I think that is all for this
17 witness, sir.

18 THE PRESIDENT: He is at liberty on the
19 usual terms as far as we are concerned.

20 (Whereupon, the witness was excused.)

21 MR. BLEWETT: We offer in evidence, if the
22 Court please, defense document No. 148 for the purpose
23 of showing the distinction between a public and a
24 purely political association.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document
2 No. 148 will receive exhibit No. 2364.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 2364 and received in evidence.)

6 MR. BLEWETT: I shall read exhibit 2364:
7 "Excerpt from the Minutes of the Budget
8 Committee Meeting, House of Representatives, 76th
9 Session of the Diet. The meeting opened at 10:12 A.M.,
10 January 28, 1941.

11 "Member of the Committee, HIRAKAWA: I have
12 understood what the Premier explained. I should like
13 to put a question to the Home Minister about one
14 point. This point has already been raised at the
15 Co-ordination Conference (T.N. KYORYOKU KAIGI) and
16 is whether or not the Imperial Rule Assistance Assoc-
17 iation is a political association coming under the
18 Public Peace Police Laws. In regard to this question,
19 I am of the opinion that it is evident that the Im-
20 perial Rule Assistance Association is in no way a
21 public organization, but a private organization; and
22 there can be no doubt that it is a political associa-
23 tion. That being the case, I believe it naturally
24 comes under the category of political associations
25 prescribed in the Public Peace Police Laws. Furthermore

1 there are many amongst the people who also believe
2 that is so. Concerning this point, I saw a press
3 report to the effect that there had been a contention
4 at the Central Co-ordination Conference by Mr. FUNADA,
5 Head of the Internal Affairs Department, that although
6 the Imperial Rule Assistance Association is an assoc-
7 iation, the said law is not applicable to it. Polit-
8 ical association prescribed in the said law means
9 either a secret association or one which necessitates
10 governmental supervision from a standpoint of pre-
11 serving public peace, and the Imperial Rule Assistance
12 Association is not included in the organizations of
13 such kind. I think the purport of his contention
14 may probably be that the Imperial Rule Assistance
15 Association is an organization working in unison
16 with the government, that it is neither a secret
17 association nor one detrimental to the public peace
18 and order, and that it should not be subjected to
19 governmental supervision. But what are his grounds
20 for regarding it as working in unison with the
21 government? It is the Imperial Rule Assistance
22 Association itself which insists that it works in
23 unison with the government. There is no legal ground
24 at all. It may be said that it does not disturb public
25 peace and order. However, whether or not its activities

1 disturb public peace and order should be determined
2 by the government responsible for the supervision of
3 organizations of such kind. I think it is decidedly
4 unjustifiable that a certain organization standing
5 under the supervision of the government should deter-
6 mine for itself that it does no harm to the public
7 peace and order, and in consequence, the Public
8 Police Laws are not applicable to it. The
9 said law admits no exception. Should that law not
10 be applicable to such an organization as the Imperial
11 Rule Assistance Association, it might lead to the
12 unreasonable conclusion that, when a certain organ-
13 ization with similar nature and purpose to those
14 of the Imperial Rule Assistance Association is newly
15 organized, it need not be subject to the said law.
16 If the said law is not applicable to the Imperial
17 Rule Assistance Association, we cannot be sure that
18 another organization of the same kind to which the
19 said law is not applicable would not be organized.
20 This is a very serious problem. So I should like to
21 hear the Home Minister's opinion about this point.

22 State Minister, HIRANUMA: I will answer your
23 question. I have previously expressed my opinion that
24 the Imperial Rule Assistance Association is not an
25 organization which carries out its activities in

1 accordance with any political view of its own. The
2 purpose of the Imperial Rule Assistance Association is
3 that it shall make our nation thoroughly understand
4 and cooperate with the state policies fixed by the
5 government. It does not fall under the category of
6 political association prescribed in the public peace
7 police law, so far as it is not an organization which
8 may determine and propagate its own political views.
9 However, there is no doubt that it is an organization,
10 and therefore an association. It may come under the
11 category of public association prescribed in the
12 Public Peace Police Laws. Accordingly, as a public
13 association, it must be subject to the said law. At
14 present, we have no intention to supervise the
15 Imperial Rule Assistance Association as a political
16 association according to the Public Peace Police Laws."

17
18 We offer in evidence defense document 292
19 to show the true meaning of the phrase, "Imperial
20 Way," and its contrast to totalitarianism.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document No. 292
23 will receive exhibit No. 2365.

24 (Whereupon, the document above
25 referred to was marked defense exhibit
No. 2365 and received in evidence.)

1 MR. BLEWETT: I shall read exhibit 2365.
2 "Record of the 2nd Budget Committee Meeting
3 of the House of Representatives on the 24th of January,
4 1939.
5 "Committeeman AZUMA.
6 "Next I should like to ask Premier HIRANUMA
7 a few questions but as to the spirit of the Imperial
8 Way, or that of all the people assisting the Imperial
9 rule, I am one of those who are somewhat acquainted
10 with Premier HIRANUMA's attitude towards this matter
11 and have listened earnestly to your repeated explana-
12 tions in the plenary sessions of the Diet that it was
13 an ancient phrase, but politically a new one, and
14 that it meant concentrating the total strength of
15 our country on national policy and realizing the policy
16 with the so-called spirit of the Imperial Way, or that
17 of the entire people assisting the Imperial rule. I
18 should like to request you to explain a little more
19 explicitly, however, as to the difference between
20 parliamentarism and the spirit of national assistance
21 for the Imperial rule. Up to this time, I think,
22 Premier HIRANUMA has been misunderstood by the public
23 more than once. It has been suspected if he weren't
24 trying to enforce a Fascist policy. At the time of
25 the investiture of Premier HIRANUMA the stocks of

1 KABUTO-CHO went down, because the public feared that
2 Fascism would be enforced and that everything would
3 become terrible. But our people, I am sure, under-
4 stood your true meaning by your successful statement
5 in this House to attach importance to the Diet and to
6 promote parliamentarism. There are leftists and
7 rightists in the world in fact, however, even among
8 my fellow Members. Among the rightists many are
9 liable to insist upon totalitarianism and the denial
10 of parliamentarism at the slightest provocation.
11 Your Excellency, the Premier, I think, knows about
12 this matter better than I. Totalitarianism and the
13 doctrine of the Imperial Way are often confused, but
14 in regards to this point I have heard the Premier's
15 declaration in this House of the necessity to ob-
16 serve the provisions of the Constitution and to
17 emphasize parliamentarism. Consequently, political
18 parties would naturally rise, and it would be wrong
19 to negate this. But, I think, the spirit of 'one
20 sovereign for the whole people' or totalitarianism
21 considerably differs from parliamentarism in the way
22 of methods of realization. There are some who say
23 opposing parliamentarism is often acting contrarily
24 to the spirit of assisting the Imperial Way. And
25 although totalitarianism is like assisting the

1 Imperial Way it has certain points in which it differs
2 entirely. As a result of your explanation in this
3 House, we understand that what Premier HIRANUMA calls
4 the spirit of assisting the Imperial Way consists in
5 stressing parliamentarism increasingly on the basis
6 of a constitutional government. But we are not en-
7 lightened as to Premier HIRANUMA's view on totali-
8 tarianism, the doctrine of the Imperial Way, and
9 constitutional government. If possible, therefore,
10 I should like to have you explain them to us once
11 more.

12 "Minister of State, HIRANUMA.

13 "MR. AZUMA's question is, in a sense, very
14 difficult to answer, and I doubt whether I can satisfy
15 you. I understand that totalitarianism is a word
16 used in opposition to the so-called individualism of
17 the Western countries, and I think it means that its
18 object is not the individual, but the whole, or that,
19 for the sake of the whole, the individual must obey
20 the whole irrespective of whether it be advantageous
21 or not to one's own interest. The doctrine of the
22 Imperial Way in our country has no such meaning I
23 believe. The soul of the doctrine of the Imperial Way
24 in our country is, I believe, to enable all people to
25 find their own places and not leave anyone without his

1 own place. When viewed in this light, we must think
2 about the whole and we must think about the individual
3 also and is quite different from the absolute idea
4 of sacrificing the individual for the whole. This
5 from the viewpoint of the doctrine of the Imperial
6 Way, becomes the entire nation's assistance to the
7 Imperial rule. In other words with everyone observ-
8 ing the purport of the Imperial Benevolence not one
9 person shall be denied gaining his rightful place
10 and concentrating on this fundamental is what I be-
11 lieve to be the so-called assistance of the entire
12 nation to the Imperial rule. In our country, there-
13 fore, it follows that in obedience to this great
14 spirit enabling every person or thing to have his
15 or its own place, constituting political institutes
16 first and last of course but also the others irre-
17 spective of what occupation they pursue, all should
18 concentrate themselves on this point. This is my
19 understanding. Consequently, I believe that there
20 is a fundamental difference between the idea of
21 totalitarianism which was developed in the Western
22 countries and our doctrine of the Imperial Way."

23
24 We offer in evidence, if the Court please,
25 document 681, an excerpt from Ambassador Grew's book
which has been offered for identification as exhibit

1 2306.

2 THE PRESIDENT: Brigadier Nolan.

3 BRIGADIER NOLAN: Can the prosecution object
4 to the introduction of evidence of defense document
5 681 on the ground that the Tribunal will decide
6 whether or not there has been an attitude of strong
7 resistance in this country or not, and that is purely
8 a matter of opinion of the ex-Ambassador?

9 MR. BLEWETT: May I speak, sir?

10 THE PRESIDENT: Certainly.

11 MR. BLEWETT: I understand the Tribunal's
12 opinion regarding opinions; but certainly, sir, this
13 seems to be a factual report or observation by a man
14 who was stationed in Japan to note just such condi-
15 tions and report them to his own country.16 THE PRESIDENT: But how is it relevant?
17 Whether it be an opinion or statement of fact, how
18 is it relevant?19 MR. BLEWETT: We were under the impression,
20 sir, it would be relevant to the conspiracy charge
21 of the prosecution.22 THE PRESIDENT: What bearing has the Japanese
23 Constitution or political setup upon the question we
24 have to decide? Is it assumed that a country must be
25

1 totalitarian before it can be guilty of aggressive
2 war? Whatever the political complexion of Japan or
3 the accused, the question is what they said and what
4 they did. This investigation would never end if we
5 let in this type of stuff. I will take the views
6 of the Tribunal, nevertheless.

7 The majority of the Court think that this
8 exhibit, this document should be rejected.

9 The objection is upheld.

10 MR. BLEWETT: I offer, sir, defense document
11 565 in evidence, which is the affidavit of KUZUU.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document No.
14 565 will receive exhibit No. 2366.

15 ("hereupon, the document above
16 referred to was marked defense exhibit
17 No. 2366 and received in evidence.)

18 MR. BLEWETT: I have just been advised, sir,
19 that the witness will be called later on in another
20 phase of this case. So I shall withdraw that document.

22 THE PRESIDENT: You have leave to withdraw it.

23 MR. BLEWETT: Thank you, sir.

24 CLERK OF THE COURT: Exhibit No. 2366 is
25 withdrawn.

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MR. BLEWETT: We shall now show the true reasons for the promulgation of the Imperial Ordinance relative to the Army and Navy lists relative to cabinet appointments. I refer to prosecution's exhibit No. 93.

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I offer in evidence defense document No. 435, the sworn deposition of TSUGITA, who at the present moment is ill and unable to appear in Court.

THE PRESIDENT: Brigadier Nolan.

BRIGADIER NOLAN: Mr. President, the prosecution is of the opinion that this document should not be offered until the deponent is well and able to come before the Tribunal and submit to cross-examination.

MR. BLEWETT: We will be glad to produce the witness for cross-examination, sir.

THE PRESIDENT: I can only assume that the prosecution, having read this affidavit, want to cross-examine him. Otherwise, they would not ask us to wait until he is well.

BRIGADIER NOLAN: We do desire to cross-examine him, Mr. President.

THE PRESIDENT: Well, we allowed you, the prosecution, to read affidavits subject to the deponent

1 being called for cross-examination if the defense
2 thought he should be called. We must do as much
3 for the defense.

4 BRIGADIER NOLAN: I remember, Mr. President,
5 such a ruling in the case of those witnesses who were
6 not available to come to give evidence by reason of
7 the distance away from the Court in which they lived,
8 but my memory is that those who were in or around
9 the vicinity of Tokyo were asked to present themselves
10 here with the affidavit.

11 THE PRESIDENT: Not sick men, Brigadier.
12 Sick men are in the same category as men at a distance.
13 If this man is not sick, well, he should be here;
14 but is there any question about that?

15 MR. BLEWETT: No question about it, sir.
16 He was here last week ready to testify and he has
17 been subpoenaed and I just learned shortly that he
18 is now in bed with a cold unable to appear.

19 THE PRESIDENT: If we do not allow the affi-
20 davit to be read now, we may throw the defense case
21 out of order which we do not want to do.

22 Well, I think I will take a vote on this.
23 By a majority the Court has decided to allow
24 the affidavit to be read.

25 CLERK OF THE COURT: Defense document

No. 435, to wit, the affidavit of TSUGITA, Daizaburo, will receive exhibit No. 2366.

(Whereupon, the document above referred to was marked defense exhibit No. 2366 and received in evidence.)

MR. BLEWETT: I shall read exhibit No. 2366:
"Sworn Deposition.

"Deponent: TSUGITA, Daizaburo.

9 "Having first duly sworn an oath as an
10 attached sheet and in accordance with the procedure
11 followed in my country I hereby depose as follows:

"On this 13th day of January, 1947.

"At Tokyo"

Signed.

15 "I was the chief of the Bureau of Legislation
16 in the HIRAYAMA Cabinet from March, 1936 to February, 1937.

"The HIRATA Cabinet, which came into existence following the 'February 26 affair', had as its mission a rigid enforcement of military discipline, the calming down of the people's mind and the establishment of a peaceful diplomacy. Premier HIRATA adhered to this policy consistently. At the first Cabinet conference held soon after the inaugural ceremony in March 9, 1936, he made an important statement as follows:

"When I presented the Cabinet members list

1 today, the Emperor told me firstly to conduct civil
2 administration in accordance with the provisions of
3 the Constitution; secondly, not to conduct diplomacy
4 forcibly and thirdly, to avoid any sudden change in
5 the financial situation. I am going to render my
6 services to the State in obedience to the Imperial
7 intention, so I hope, therefore, every one of you
8 will cooperate with me.' All ministers respectfully
9 agreed. In this connection, in my diary of March 9,
10 11th Year of SHOWA, 1936, I wrote the following
11 description:

12 "March 9
13 "About 9 a.m. Mr. DAWASAKI, Takukichi rang me
14 up. Secretly asked if I would accept the directorship
15 of the Bureau of Legislation and consented. At 9.30
16 I was summoned, went to the Premier's official residence
17 and paid respects to each Minister. Went into the Cabinet
18 room. The Imperial opinion confided to the Premier
19 when he presented the list of Cabinet members: firstly,
20 to govern according to the articles and chapters of the
21 Constitution; secondly, not to conduct foreign policy
22 by force; thirdly, avoid a sudden change in the financial
23 situation. Each Minister understood the point of the
24 Finance Minister's talk. The War Minister said he was
25 sorry for the Incident and he would take care that such

1 an event should not occur again in future.' The
2 part of the said diary referring to the War Minister's
3 talk shows a firm resolution declared by him to enforce
4 military discipline considering the February 26
5 Incident.

6 "The reason why the HIROTA Cabinet reformed
7 the Army and Navy ministries' official organization
8 was to enforce military discipline. It was at the
9 extraordinary session of the Diet in May 1936 that
10 this reform bill was introduced into the Cabinet from
11 the Army and Navy Ministries. The military and naval
12 authorities explained: 'The Army and Navy Ministers
13 have the duties of supervising troops belonging to
14 the supreme command, of maintaining military discipline
15 and of strengthening the Unity of the army; therefore,
16 equally, they themselves must be soldiers belonging
17 to the supreme command, that is, on the active list.
18 Indeed, this is brought out by the fact that all of
19 the War and Navy Ministers were soldiers on the active
20 list since the reform of the government organization in
21 the second year of TAISHO (T.N. 1913) (i.e. the reform
22 in which generals and lieutenant-generals on the
23 reserve list were also allowed to become Ministers).
24 Now, soon after the Incident, keenly feeling the
25 necessity of restricting the Ministers to officers on

1 the active list in order to strengthen the power of
2 the Ministers, to enforce military discipline and to
3 solidly preserve unity, we intend to make the system
4 correspond with actuality by reforming the government
5 organization.' When I asked them the meaning of, 'soon
6 after the Incident we keenly feel the necessity of
7 restricting the Ministers to the officers on the active
8 list,' they answered as follows: 'We will place several
9 generals and lieutenant-generals who are responsible
10 for the Incident on the reserve list, but under the
11 existing system some of them could become War Minister
12 in future and could bring about such a disgraceful event
13 as the February 26 Incident or an even more serious one
14 than that. In order to prevent such a calamity, we
15 intend to make the system one under which generals
16 and lieutenant-generals on the reserve list cannot
17 become Ministers.'

18 "Moreover, the Vice-Ministers of War and
19 Navy said, 'As the Premier has already consented to
20 this bill, we want it to be passed quickly.' After I
21 asked the Premier about that. I prepared a Cabinet
22 bill and submitted it to the Cabinet conference.

23 "In the conference Premier HIROTA asked
24 TERAUCHI, the Army Minister, and next NAGANO, the Navy
25 Minister, 'Will this reform not lead to a situation

1 in which those commanded to form the Cabinet will find
2 it difficult to appoint future War and Navy Ministers?'
3 They both answered, 'There is no fear that such a
4 situation will arise.' With this exception, no special
5 utterance was made and the bill was passed in its
6 original form.

7 "I did not ascertain how each Minister thought
8 about the bill and why he consented to it. Only Mr.
9 BABA, the Finance Minister, expressed his opinion
10 directly to me when I spoke with him about it before
11 the conference. 'Enforcement of military discipline
12 is a serious question in hand and a very difficult
13 task, but the War Minister is resolved to take it upon
14 himself and carry it out at any cost. Now that he
15 eagerly desires this reform in order to perform the
16 task, the Cabinet reforms the government organization
17 to save his face but in return for that, he shall
18 enforce military discipline thoroughly. That is the
19 best course for the Cabinet to take, I think.' Thus
20 he indicated his consent to the original bill.

21 "There are some who hold that the reform
22 caused the Army to participate in politics afterwards.
23 I will relate one or two facts as material for judging
24 whether this observation is right or wrong. The formation
25 of the HIRCTA Cabinet naturally took place before the

1 reform of the Army and Navy Ministries and to choose
2 ministers from generals and lieutenant-generals on
3 the reserve list was still permissible from the
4 legislative point of view. Informing his Cabinet,
5 however, HIROTA met with several demands from the
6 Army concerning the selection of the Ministers and if
7 he rejected those demands, it was feared that he would
8 be unable to get an Army Minister. His attempt to
9 form the Cabinet met with great difficulty; he
10 continued negotiations for about a week after he had
11 received the Imperial mandate and during that time
12 the formation was several times in danger of aborting,
13 but finally, after acceding to most of those demands,
14 he succeeded. In this case the system under which
15 Ministers could be selected from generals and lieutenant-
16 generals on the reserve list was of no use in preventing
17 the Army from participating in politics.

18 "Next, when the KISO Cabinet was formed in
19 July, 19th Year of SHOWA (T.N. 1944), the War and Navy
20 Ministers were required to be generals and lieutenant-
21 generals on the active list in accordance with the
22 government organization of the War and Navy Ministries,
23 but Admiral YONAI who was on the reserve list was
24 appointed Navy Minister. In order not to conflict with
25 the rules of the government organization, however,

1 Admiral YONAI was placed on the active list just before
2 he was inaugurated, with the special consideration
3 of the Emperor. In this case, even, the reform could
4 not prevent a general officer on the reserve list from
5 becoming Navy Minister."

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MR. BLEWETT: We offer in evidence defense document No. 547, being a report on the examination of the revision of the Imperial Ordinance.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document No. 547 will receive exhibit No. 2367.

(Whereupon, the document above ref-

erred to was marked defense exhibit 2367 and received in evidence.)

MR. BLEWETT: I shall read exhibit 2367.

"Report on the Examination of the Revision
of Imperial Ordinance on the Organization of the
War Ministry and One Other Subject.

"We have been appointed members of the Committee of Examination with regard to revisions in the Organization of the War Ministry and of the Navy Ministry which have been referred to the Privy Council for deliberation. We held a committee meeting on the thirtieth of last month and listened to explanations given by the Ministers of State and the government officials concerned and have made a thorough examination of the subject matter.

"The two points in question have for their purpose to revise the stipulations with regard to qualifications in the appointment of Ministers and

1 Vice-Ministers for the War Ministry and the Navy
2 Ministry. It is to be noted that the stipulations
3 in the organizations of the War and Navy Ministeries
4 prescribing that those who are appointed Ministers
5 (full general or lieutenant-general in the case of
6 Minister of War and full admiral or vice-admiral in
7 the case of Minister of the Navy) or Vice-Ministers
8 (at one time was called secretary-general) (lieu-
9 tenant-general or major-general in the case of Vice-
10 Minister of War and Vice-admiral or rear-admiral
11 in the case of Vice-Minister of the Navy) that would
12 limit them to generals or admirals on active service
13 originated in the thirty-third year of Meiji (1900).

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15 "Later, in the second year of Taisho (1913)
16 the above-mentioned limitations were rescinded by
17 Imperial Ordinance No. 165 of the second year of
18 Taisho (1913) relative to the revision of the Organ-
19 ization of the War Ministry remark No. 1 of the
20 attached list was rescinded and by Imperial Ordinance
21 No. 168 of the same year relative to the revision
22 of the Organization of the Navy Ministry remark No.
23 1 of the separate list was rescinded), thereby mak-
24 ing it clear that those to be appointed Ministers
25 or Vice-Ministers of War and of the Navy were not
to be limited to generals or admirals on active ser-

1 vice. These have been effective up to the present
2 day. It is further to be noted that all these re-
3 visions of the Organizations were not referred to
4 the Privy Council for deliberation. According to
5 explanations given by the Ministers concerned with
6 the revisions now proposed, the following points
7 are pointed out: Ministers of War and of the Navy
8 come under the system of the Supreme Command and
9 bear the heavy responsibility of directing and con-
10 troling the officers and men of the Army and the
11 Navy who are subject to the Supreme Command, of
12 maintaining strict military discipline and of keep-
13 ing up a solid unity of the entire Army and the Navy.
14 Vice-Ministers assist their Ministers, put Depart-
15 mental affairs in order and supervise the work done
16 by the Bureaus and the Divisions. Therefore, it
17 is actually essential that both the Ministers and
18 the Vice-Ministers be officers on active service
19 who come under the system of the Supreme Command and
20 have powers of command the under the Supreme Command.
21 Moreover, in the case of the Army, the results,
22 following the above-mentioned revision of organiza-
23 tion in the second year of Taisho (1913) procedure
24 of handling affairs in the War Ministry, the General
25 Staff Office and the Department of Military Education

1 brought about duplication of work and waste of
2 personnel, causing great inconvenience. In addi-
3 tion, the Army has come to feel an urgent necessity
4 for remedial measures to be taken with regard to the
5 unfortunate incident recently having taken place
6 not only to establish commanding authority, to en-
7 force military discipline, and to strengthen the
8 unity of the Army, but also to try to carry out
9 improvements in the existing system in order to bring
10 about economy in personnel and to expedite the work
11 handled. For these reasons, it should be prerequi-
12 site that Ministers and Vice-Ministers be limited
13 to general officers on active service. Moreover,
14 since the above-mentioned revision of organizations
15 in the second year of Taisho (1913) and up to the
16 present day, there has not been an instance of a
17 general or an admiral other than those on active
18 service having been appointed Minister or Vice-
19 Minister of War or of the Navy. Reflecting on this
20 fact, it is appropriate to have matter express by
21 stipulated in provision and make things correct with
22 the fact both in name and reality. For these rea-
23 sons and in order to revert to the old system which
24 was in force prior to the second year of Taisho
25 (1913) to limit the qualifications for appointment

1 for Ministers and Vice-Ministers of War or of the
2 Navy to generals or admirals on active service that
3 it is proposed to introduce the two points in ques-
4 tion to carry out partial revision in the existing
5 organizations of the War Ministry and of the Navy
6 Ministry respectively by adding the clause 'Those
7 who are appointed Ministers or Vice-Ministers shall
8 be generals or admirals on active service' to the
9 beginning of the remarks of the attached and separate
10 lists of the respective Organizations.

11 "After giving due consideration, it is clear
12 that the two points in question have for their ob-
13 ject to restore the old system with regard to quali-
14 fications in the appointment of Ministers and Vice-
15 Ministers of War or of the Navy and to limit them to
16 generals or admirals on active service by stipula-
17 tions in the Organization. And although at the pres-
18 ent time there may still be some concern regarding
19 the reason why the said limitation stipulated in
20 the Organization was removed in the past, the
21 revisions now proposed can be recognized as a timely
22 measure in bringing the control of the Army and the
23 Navy to perfection, taking all things of the present
24 into consideration. Therefore, the Committee of
25 Examination has unanimously decided that the two

1 matters in question shall be approved exactly as
2 they are.

3 "We have the honor to report the above as
4 the result of examination.

5 "The 6th day of May of the eleventh year
6 of Showa (1936) to the President of the Privy
7 Council,

8 "Baron, HIRANUMA,

9 "Chairmen of the Committee of Examina-
10 tions," and so on.

11 We now refer the Tribunal to prosecution
12 exhibits 103 to 129 and the Indictment, to show the
13 position and location of every accused on certain
14 important dates stressed by the prosecution. Shall
15 I start reading this list?

16 THE PRESIDENT: Hasn't it been read already?

17 MR. BLEWETT: No, sir.

18 THE PRESIDENT: Are you going to read very
19 much?

20 MR. BLEWETT: I think perhaps, sir, it would
21 be more consistent to start and finish it at one time
22 rather than to break it in two pieces.

23 THE PRESIDENT: Well, it is before us as
24 an exhibit and there is one thing we certainly won't

1 overlook, those matters you are about to read.

2 MR. BLEWETT: I have this arranged, sir,
3 and it is not exactly a chart, but it is in the form
4 of a chart. I tried to make up a chart to show the
5 exact position of each one of these accused on each
6 one of these important dates.

7 MR. TAVENNER: If your Honor please, it
8 would seem that the method of presenting this matter
9 is one that pertain to the argument of the case or
10 summation of it.

11 THE PRESIDENT: My colleagues, I think
12 without exception, would like it in more convenient
13 form than it is in now, and Mr. Blewett may have it
14 in more convenient form.

15 We will adjourn until half-past nine tomorrow
16 morning.

17 (Whereupon, at 1600 hours an adjourn-
18 ment was taken until Wednesday, March 12, 1947,
19 at 0930 hours.)

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